

bill, H.R. 890, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 890, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 3, not voting 15, as follows:

[Roll No. 313]

YEAS—414

Abercrombie	Costa	Hastert
Ackerman	Costello	Hastings (FL)
Aderholt	Courtney	Hastings (WA)
Akin	Cramer	Hayes
Alexander	Crenshaw	Heller
Allen	Crowley	Hensarling
Altmire	Cubin	Herger
Andrews	Cuellar	Herseth Sandlin
Arcuri	Culberson	Higgins
Baca	Cummings	Hill
Bachmann	Davis (AL)	Hinchee
Bachus	Davis (CA)	Hinojosa
Baird	Davis (IL)	Hirono
Baker	Davis (KY)	Hobson
Baldwin	Davis, David	Hodes
Barrett (SC)	Davis, Jo Ann	Hoekstra
Barrow	Davis, Lincoln	Holden
Bartlett (MD)	Davis, Tom	Holt
Barton (TX)	Deal (GA)	Honda
Bean	DeFazio	Hooley
Becerra	DeGette	Hoyer
Berkley	DeLauro	Hulshof
Berman	Dent	Hunter
Berry	Diaz-Balart, L.	Inglis (SC)
Biggert	Diaz-Balart, M.	Inslee
Billray	Dicks	Israel
Bilirakis	Dingell	Issa
Bishop (GA)	Doggett	Jackson (IL)
Bishop (NY)	Donnelly	Jackson-Lee
Bishop (UT)	Doolittle	(TX)
Blackburn	Doyle	Jefferson
Blumenauer	Drake	Jindal
Blunt	Dreier	Johnson (IL)
Boehner	Duncan	Johnson, Sam
Bonner	Edwards	Jones (NC)
Bono	Ehlers	Jones (OH)
Boozman	Ellison	Jordan
Boren	Ellsworth	Kagen
Boswell	Emanuel	Kanjorski
Boucher	Emerson	Kaptur
Boustany	English (PA)	Keller
Boyd (KS)	Eshoo	Kennedy
Brady (TX)	Etheridge	Kildee
Braley (IA)	Everett	Kilpatrick
Brown (SC)	Fallin	Kind
Brown-Waite,	Farr	King (IA)
Ginny	Feeney	King (NY)
Buchanan	Ferguson	Kingston
Burgess	Filner	Kirk
Burton (IN)	Forbes	Klein (FL)
Butterfield	Fortenberry	Kline (MN)
Buyer	Fossella	Knollenberg
Calvert	Fox	Kucinich
Camp (MI)	Frank (MA)	Kuhl (NY)
Campbell (CA)	Franks (AZ)	LaHood
Cannon	Frelinghuysen	Lamborn
Cantor	Gallely	Lampson
Capito	Garrett (NJ)	Langevin
Capps	Gerlach	Lantos
Capuano	Giffords	Larsen (WA)
Cardoza	Gillchrest	Latham
Carnahan	Gillibrand	LaTourette
Carney	Gillmor	Lee
Carson	Gingrey	Levin
Carter	Gohmert	Lewis (CA)
Castle	Goode	Lewis (KY)
Castor	Goodlatte	Linder
Chabot	Gordon	Lipinski
Chandler	Granger	LoBiondo
Clarke	Graves	Loebisack
Clay	Green, Al	Lofgren, Zoe
Cleaver	Green, Gene	Lowe
Clyburn	Grijalva	Lucas
Coble	Gutierrez	Lungren, Daniel
Cohen	Hall (NY)	E.
Cole (OK)	Hall (TX)	Lynch
Conaway	Hare	Mack
Conyers	Harman	Mahoney (FL)
Cooper		Maloney (NY)

Manzullo	Pickering	Slaughter
Marchant	Pitts	Smith (NE)
Markey	Platts	Smith (NJ)
Marshall	Poe	Smith (TX)
Matheson	Pomeroy	Smith (WA)
Matsui	Porter	Snyder
McCarthy (CA)	Price (GA)	Solis
McCarthy (NY)	Price (NC)	Space
McCaul (TX)	Pryce (OH)	Spratt
McCollum (MN)	Putnam	Stark
McCotter	Radanovich	Stearns
McCrery	Rahall	Tancredo
McDermott	Ramstad	Tanner
McGovern	Regula	Tauscher
McHenry	Rehberg	Taylor
McHugh	Reichert	Terry
McIntyre	Renzi	Thompson (CA)
McKeon	Reyes	Thompson (MS)
McNerney	Reynolds	Thornberry
McNulty	Rodriguez	Tiberi
Meehan	Rogers (AL)	Tierney
Meek (FL)	Rogers (KY)	Towns
Meeks (NY)	Rogers (MI)	Turner
Melancon	Rohrabacher	Udall (CO)
Mica	Ros-Lehtinen	Udall (NM)
Michaud	Roskam	Upton
Miller (FL)	Ross	Van Hollen
Miller (MI)	Rothman	Velázquez
Miller (NC)	Roybal-Allard	Visclosky
Miller, Gary	Royce	Walberg
Miller, George	Ruppersberger	Walden (OR)
Mitchell	Rush	Walsh (NY)
Mollohan	Ryan (OH)	Walz (MN)
Moore (KS)	Ryan (WI)	Wamp
Moore (WI)	Salazar	Wasserman
Moran (VA)	Sali	Schultz
Murphy (CT)	Sánchez, Linda	T. Waters
Murphy, Patrick	T.	Watson
Murphy, Tim	Sanchez, Loretta	Watt
Murtha	Sarbanes	Waxman
Musgrave	Saxton	Weiner
Myrick	Schakowsky	Welch (VT)
Nadler	Schiff	Weldon (FL)
Napolitano	Schmidt	Weller
Neal (MA)	Schwartz	Wexler
Neugebauer	Scott (GA)	Whitfield
Nunes	Scott (VA)	Wicker
Oberstar	Sensenbrenner	Wilson (NM)
Obey	Serrano	Wilson (OH)
Oliver	Sessions	Wilson (SC)
Ortiz	Sestak	Wolf
Pallone	Shadegg	Woolsey
Pascrell	Shays	Wu
Pastor	Shea-Porter	Wynn
Payne	Sherman	Yarmuth
Pearce	Shimkus	Young (AK)
Pence	Shuler	Young (FL)
Perlmutter	Shuster	
Peterson (MN)	Simpson	
Peterson (PA)	Sires	
Petri	Skelton	

NAYS—3

Flake	Paul	Westmoreland
-------	------	--------------

NOT VOTING—15

Boyd (FL)	Johnson (GA)	Moran (KS)
Brady (PA)	Johnson, E. B.	Rangel
Brown, Corrine	Larson (CT)	Souder
Engel	Lewis (GA)	Tiahrt
Fattah	McMorris	
Gonzalez	Rodgers	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in which to vote.

□ 1319

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

#### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,

Washington, DC, May 9, 2007.

Hon. NANCY PELOSI,  
*Speaker of the U.S. House of Representatives,*  
*Washington, DC.*

DEAR MADAM SPEAKER: This letter is to inform you that I have sent a letter to Massachusetts Governor Deval Patrick dated today, May 9, 2007, informing him that I am resigning my position as the United States Representative for the 5th Congressional District of Massachusetts, effective at the close of business July 1, 2007.

In March, the Board of Trustees of the University of Massachusetts voted to offer me the opportunity to serve as the next Chancellor of the University of Massachusetts Lowell. After deep personal reflection and lengthy discussions with my family, close friends and colleagues, I have decided to accept the Board's offer.

Serving in Congress for the past fifteen years has been one of the greatest honors of my life. I would like to thank the people of the Fifth District for this wonderful opportunity and for their confidence in me.

Sincerely,

MARTY MEEHAN,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,

Washington, DC, May 9, 2007.

Hon. DEVAL PATRICK,  
*Governor, Commonwealth of Massachusetts,*  
*Boston, MA.*

DEAR GOVERNOR PATRICK: In March, the Board of Trustees of the University of Massachusetts voted to offer me the opportunity to serve as the next Chancellor of the University of Massachusetts Lowell. After deep personal reflection and lengthy discussions with my family, close friends and colleagues, I have decided to accept the Board's offer. Therefore, I am hereby resigning my position as the United States Representative for the 5th Congressional District of Massachusetts, effective July 1, 2007.

Serving in Congress for the past fifteen years has been one of the greatest honors of my life. I would like to thank the people of the Fifth District for this wonderful opportunity and for their confidence in me.

Sincerely,

MARTY MEEHAN,  
*Member of Congress.*

#### GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1684.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 382 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1684.

□ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, with Mr. CARDOZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I also yield myself such time as I may consume.

Mr. Chairman, today we are considering H.R. 1684. This bill takes important steps to build capacity, provide resources, and ensure accountability at the Department of Homeland Security.

H.R. 1684 authorizes \$39.8 billion in appropriations for the Department. This is \$2.1 billion more than the President requested in his budget earlier this year. This bill sends a message to the President, America's security cannot be done on the cheap. Congress will not stand by as he cuts programs that help our hometown heroes protect our communities.

In this bill, we reinstate critical funding for first responder programs like the State Homeland Security grant program and FIRE Act grants.

In addition to authorizing funds, H.R. 1684 addresses issues that some of the committee's oversight efforts have exposed. For example, it has become obvious to us that the Department has no long-term vision. We created a Directorate of Policy to do just that. This office will also focus on private-sector partnerships, tribal security, and school security.

As another tool to help the Department get its house in order, we created a Comprehensive Homeland Security Review. This legislation also strengthens interagency coordination and supports integrating DHS at a single headquarters.

The Inspector General, GAO and the committee have all observed that DHS is spending a lot of money with little accountability. In the past few years, we have seen ice trucks take the scenic routes to disasters, trailers rotting in Arkansas, and border cameras packed away in warehouses. All of this waste was on the taxpayers' dime. No more. H.R. 1684 gives the Inspector General sharper teeth to investigate disaster response and border security programs.

The bill strengthens the integrity in the agency's contracting practices and promotes small business opportunities. This bill makes sure our Homeland Security agency is buying its uniforms and equipment here at home from U.S. sources. H.R. 1684 covers numerous

other areas, including biosecurity, intelligence and cyber security.

Mr. Chairman, this bill is part of the real deal. It's the sixth Homeland Security bill that Democrats have brought to the floor since January. Only two bills made it to the floor last year in a Republican-led House. This Congress, we passed a 9/11 bill; and staff discussions have begun in preparation for a Member conference. We also passed bills on rail security, Homeland Security technology, international cooperation, and employee morale.

Winston Churchill once said, "The pessimist sees difficulty in every opportunity. The optimist sees opportunity in every difficulty."

In H.R. 1684, we have an opportunity to protect our homeland. We can be naysayers and complain about bureaucratic bungling, or we can tackle head on the difficult issues of Homeland Security.

I urge all of my colleagues to support this bill that puts DHS on the path to becoming the agency that Congress envisioned and the American people deserve.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I recognize myself for as much time as I may consume.

Mr. Chairman, at the outset, let me express my deep admiration for Chairman THOMPSON and for the bipartisan spirit he has shown in his running of the committee, both as chairman and during the previous 2 years as ranking member.

This is one committee of the House which I believe functions very affirmatively in a bipartisan manner because, as Chairman THOMPSON has said, that when the terrorists come, they don't care whether you are Democrat or Republican, they want to kill all of us. That's why I commend him again for the spirit of bipartisanship.

It was that spirit of bipartisanship that resulted in H.R. 1684 being passed out of committee by a unanimous 26-0 vote. It was a bipartisan effort, there was hard work on both sides, there was compromise on both sides, innovations on both sides. We came together, I believe, with a very strong package.

I am, however, very concerned about the manager's amendment, which is going to be coming up for a vote today, because of the 86 provisions in the bill, 42, 49.8 percent, of the provisions of the bill have either been eliminated or changed dramatically.

Some of the key ones on the issue of interoperability, in our legislation, the committee legislation, we provided that \$1 billion in grants for interoperability could be used for training exercise, for training as well as for the purchase of hardware. This was demanded, strongly requested by local law enforcement, local law authorities. It is essential to interoperability. Yet that has been stricken from the legislation.

□ 1330

On the "sense of Congress" language which has been so strongly rec-

ommended by the 9/11 Commission, that the Committee on Homeland Security be the focal point for oversight of the Department of Homeland Security and for being the central committee on the issue of homeland security, just the "sense of Congress" language was eliminated from the bill. We go down the list, as far as authorization for Secret Service, especially considering the increased amount which will be necessary in this year to protect Presidential candidates. So many other amendments, so much other language, even, for instance, on the issue of employees who leave the Department, lobbying restrictions, which quite honestly was proposed by a Democratic Congressman, Mr. DEFAZIO, that has been stricken out.

Now, I realize what has happened here; I went through this during the time that I was chairman, but I think we approached it a little differently. There are other committees which are objecting to the jurisdiction of Homeland Security. There are others which are defying the wish of the 9/11 Commission, which is to have power vested in the Committee on Homeland Security. And, unfortunately, it appeared it at every juncture where objection was raised; those provisions were taken out.

Now, in the last Congress, we adopted the Port Security Bill. That was a long, hard fight. We had jurisdictional battles with other committees; but we stayed with it, and the final package tremendously increased the position of the Committee on Homeland Security and resulted in very strong legislation. On the restructuring of FEMA, that also caused severe conflicts with other committees of jurisdiction. We stayed with it, and the final product enhanced the position of the Committee on Homeland Security. On the issue of chemical plants security, similarly, there were severe conflicts with other committees. We worked with the leadership at the time, Speaker HASTERT and Majority Leader BOEHNER, and that resulted also in ultimate legislation which significantly enhanced the jurisdiction of the Committee on Homeland Security.

By acquiescing so quickly to the objections or the positions of other committees, I think we have weakened our committee. And that to me is not a turf battle or not a power struggle; the issue of life and death is too important for that. But the fact is, we did not stand firm in fighting for jurisdiction of the committee.

I know the chairman has mentioned that there was not an authorization bill passed by the House last year. I agree with that. We did pass one out of committee, there was one passed in 2005. The Senate has never passed an authorization bill.

I made the judgment last year that we had an opportunity, a window of opportunity to pass significant legislation which could be brought to the House floor, which could be brought to

the Senate floor, and which could pass, and that was port security, chemical plants and FEMA restructuring, and we did that. As far as this year now, we do have the H.R. 1, which still has not moved; it hasn't even gone to conference yet, and we have this legislation today, which was a fine product of the committee, but unfortunately, it has been dramatically weakened with, I must say, no input at all from the Republican side. And considering the extent to which Chairman THOMPSON does reach out at the committee level and there is such a bipartisan level of cooperation at the committee level, I would have hoped that we would have at least had something to say when it went to the Rules Committee when the manager's amendment was being constructed. Instead, this was done totally behind closed doors, totally to the exclusion of any Republican input. Again, perhaps it would be fine if we were an adversarial type committee, but we are not. This is a collegial committee. It is a bipartisan committee, and everything we do, every word of every provision both during the time when Chairman Cox was chairman, when I was chairman and certainly now under Chairman THOMPSON, it has been bipartisan. I regret that has not been the situation in bringing the legislation before the House today. So I will be later urging a vote against the manager's amendment.

But I again want to express my regard for Chairman THOMPSON, and hope that when this is over, when this is resolved today or tomorrow or whenever the final vote comes, we can go forward from there and work in a bipartisan way at the committee level the way we have done for the last 3½ years.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland, our majority leader, Mr. HOYER.

Mr. HOYER. I thank the distinguished chairman, and I congratulate him for the great work that he is doing. This is a critical bill that we consider today. And, as he has pointed out, we have had a number of bills dealing with homeland security on the floor.

I also want to thank the ranking member for his leadership both in this Congress and in the past Congress on this issue. I think the American people are advantaged by having two people of real substance who care about this issue working together, even though from time to time, as the gentleman has pointed out, there are disagreements. He had the same problems that the chairman is having, and we are trying to work through those problems. And I certainly am going to support the manager's amendment as he tries to work this.

Mr. Speaker, I want to thank the chairman of the Homeland Security Committee, Congressman THOMPSON, for all his hard work on this very, very important authorization bill.

The highest duty of our government is to protect the American people, to secure our homeland and to defend our national security. Unfortunately, since the horrific terrorist attacks on our Nation on September 11 opened our eyes and exposed our vulnerabilities, we have not done enough to protect our homeland. As Tom Kean, the former Republican Governor of New Jersey and cochair of the bipartisan 9/11 Commission stated last August, "We are not protecting our own people in this country. The government is not doing its job."

Yesterday's arrest of six men who apparently were plotting to attack and kill soldiers in Fort Dix in New Jersey is a stark reminder that we cannot, we must not let down our guard; that we must remain vigilant.

This legislation, which I believe will receive strong bipartisan support, is a critical step in the right direction. Among other things, this bill authorizes \$39.8 billion for the Department of Homeland Security for fiscal year 2008, which is \$2.1 billion in addition for our homeland security that was asked for by the President. It restores the President's 52 percent cut to the State Homeland Security Grant Program, which helps first responders to prevent, prepare for and respond to acts of terrorism. It restores the President's 55 percent cut in firefighter assistance grants. It restores the elimination of the local law enforcement terrorism prevention program and restores the elimination of the SAFER, which is the Staffing for Adequate Fire and Emergency Response program. I want to thank the chairman for doing that and congratulate him on his leadership because, as the ranking member pointed out, this bill was reported out unanimously. It was a joint effort and a very important one at that.

Furthermore, Mr. Chairman, this legislation contains strong accountability measures aimed at strengthening and streamlining management of the Department of Homeland Security, which has struggled with its management challenges; and it includes provisions to improve information sharing, to enhance bioterrorism preparedness and to eliminate the Department's authority to establish its own personnel management system.

Mr. Chairman, ever since the Department of Homeland Security was created, an effort which I opposed because I thought that would create a Department too large and too diverse to manage well, frankly, I think my concerns have been evidenced. It is the challenge of this committee, now that we have created the Department, to ensure that in fact it does act in an efficient manner to protect our homeland. But I have been concerned about the efficacy of consolidating 22 agencies and 170,000 people into one Department. However, since the Congress chose to create this new Department, it is our duty, as I said, to ensure that it has the resources it needs to do its job as effectively as

possible and to ensure that the Department is well managed.

This legislation, Mr. Chairman, by focusing on oversight and management is a critical response to the issues and problems that have been encountered at the Department since its creation.

I want to again congratulate Mr. THOMPSON, who is doing such an excellent job of leading this committee, and Mr. KING, who brings a focus for the country as opposed to a partisan focus to this work with Mr. THOMPSON. I want to congratulate them both.

Mr. KING of New York. Mr. Chairman, I thank the majority leader for his kind words. And would just add that this was genuinely bipartisan, and it did increase spending by \$2.1 billion more than the President of our party was recommending, and yet we as Republicans did that because we wanted to act in a bipartisan way, which makes the fact that we were shut out of the manager's amendment much more painful.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the chairman.

Mr. Chairman, I rise in support of the underlying bill, but oppose the manager's amendment that will be presented basically as the alternative to the bipartisan work product that came out of the committee on a 29-0 vote, I believe. Not a single dissenting vote, Democrat or Republican, was recorded in the committee after we had gone through long debate not only on the base bill as it was presented to us, but numerous amendments presented by both Republicans and Democrats.

9/11 is the seminal moment of this century. It changed the world in which we live. One would hope that it would change the manner in which we work in this House. In many ways, that has occurred with respect to the bipartisan approach that has been utilized in the committee itself. We recall that in the last Congress, we managed to pass the SAFE Ports bill, a bipartisan product, all the way from subcommittee to full committee to the floor to working out the conference with the Senate. Essentially there wasn't too much to work out; they adopted our provisions. And then, on to the President of the United States to sign it. That showed that we can work in a changed world with a changed approach in this House. That is why today is so disappointing.

We have a completed product coming out of the committee, a 29-0 vote, with numerous amendments adopted after full consideration by both Democrats and Republicans, and yet a large portion of that will be stripped out with the manager's amendment to be presented by the chairman of this committee.

I do not question the motivation of my chairman. In fact, I want to believe in my heart that he would rather not tear his own bill apart. I believe he would like to have the whole thing

here. Why? Because we believe it is a better bill that actually goes further to protect America.

Some heard on this floor Mr. REICHERT from our committee, a distinguished member of our committee, the former sheriff of King County in the State of Washington, concerned about the lack of interoperability that reigns across this land. Mr. KING has spoken on the floor about the tragic consequences of a failure of interoperability on 9/11. Others in law enforcement throughout this country talked about it. We approved \$1 billion a year ago. In this bill we actually allow greater flexibility so that first responders can utilize this money to make interoperability a fact, and yet that is stricken from this bill if we adopt the manager's amendment.

There are any number of other things that are involved here. One of them that seems to me to be extremely important, and we have held hearings on this, is strengthening maritime alien smuggling laws by denying alien smugglers the use of maritime routes and enhancing penalties for alien smuggling; taken out.

Also, the 9/11 Commission has made it very, very clear that business as usual is not acceptable, and that means in this Congress, and suggests that we should reorganize ourselves so that we have a prime committee that deals with these matters, not because it is a matter of jurisdictional pride, but because of a greater efficiency, a greater oversight, a greater responsibility, a greater accountability and having us mirror the new arrangement that exists in the executive branch.

And so we express a sense of Congress to do this, to carry out that important recommendation of the 9/11 Commission; stripped out by the manager's amendment. There is no real good argument why it should be stripped out except it is.

There is a pilot program for mobile biometrics identification of apprehended aliens at sea and authorizing \$10 million for the program. We discussed this. There is a need. There is a vulnerability we have with respect to aliens at sea, and yet we strip it out of here.

□ 1345

I don't believe there is any good argument that you're going to hear on the floor for adopting the manager's amendment, because they have to point to those things that are stripped out to suggest why they're bad, why they don't enhance our security.

I recall when the majority leader came to the floor a year ago, or a little over a year ago and congratulated us on our bipartisan approach for the SAFE Ports bill. I wish he could come to the floor again. If you listened to his words carefully, he said, "The committee has given us a good bipartisan bill."

I agree with the majority leader. Let's keep the bipartisan bill. Let's

pass it. Let's defeat the manager's amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I now recognize the gentlelady from California for 2 minutes, Ms. HARMAN.

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, as the majority leader pointed out several minutes ago, yesterday the FBI arrested six men following a 15-month investigation. The charges are that, inspired by al Qaeda, they were bent on taking out as many soldiers as possible at Fort Dix using semiautomatic weapons and rocket-propelled grenades. Three of them were in this country illegally. The other three were American citizens. All lived unremarkable lives and seemed well integrated into their communities. Even their next-door neighbors had no reason to suspect that they were actually the vanguard of a new breed of terrorist.

In Torrance, California, in my congressional district, four members of a prison-based jihadist cell await trial on charges of conspiring to wage war against the U.S. Government through terrorism, kill members of the Armed Forces, and murder foreign officials.

Mr. Chairman, this is our future. Protecting the homeland, preventing and disrupting the next terrorist attack is the primary responsibility of the Homeland Security Committee, and I congratulate Chairman THOMPSON and Ranking Member KING for putting together this authorization bill.

The bill strengthens homeland security by expanding on successful ideas like fusion centers and strengthening our infrastructure.

Many in this Chamber are focused on our broken Iraq policy. So am I. But I also worry that, while we are consumed with the Iraq debate, al Qaeda and its friends are successfully expanding and adapting in ways that are long-term, global and enormously dangerous. Al Qaeda has proven that the brand is "portable." Its embrace of low-tech, unspectacular operations makes it much harder to stop.

Why haven't we been attacked here? Some say al Qaeda is waiting to exceed the lethality of 9/11. But if the U.S. is perceived as weaker and bogged down in Iraq and if terrorists are scaling down attacks, an attack or series of near-simultaneous attacks here seems inevitable.

The Homeland Security Subcommittee on Intelligence, which I chair, is focused on the threat of homegrown terrorism and improving ways to disrupt and prevent the next attack. If the terrorists are here, the activities of that subcommittee are critical.

This bill helps us build our intelligence competence. It strengthens parts of the budget that are underfunded and authorizes crucial activities. Vote "aye."

Mr. KING of New York. Mr. Chairman, to demonstrate the bipartisan-

ship of the committee, I want to thank the gentleman from Texas (Mr. CUELLAR) for the free advice he just gave me.

With that, I recognize the gentlelady from Florida (Ms. GINNY BROWN-WAITE) for 3 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I reluctantly rise today to speak against H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year '08. I say reluctantly because even though I was cynical about the campaign promises made by the other side to implement the remaining 9/11 Commission reforms, I never dreamed that the American people would be betrayed the way I believe they are today.

Mr. Chairman, the majority of members on our committee rolled over and played dead, letting their other committee counterparts in the House pick this bill clean of many good security measures in a manager's amendment that will strip them out and gut the bill. Yet the majority has the audacity to come to the floor with this skeleton and call it a good bill.

My constituents will be horrified when I tell them that a provision that was worked out in the Homeland Security Committee to include in the base bill was stripped out. That language would have required employers at critical infrastructure sites to verify Social Security numbers of their employees before hiring them.

Do you know why constituents all around the Nation should be outraged? Because 2 years ago, a power plant in Florida unknowingly had a painting contractor who hired illegal aliens. Several of them had pending criminal charges and had been deported multiple times. These workers had access in and around the nuclear power plant. Let me repeat that. A nuclear power plant had illegal aliens with criminal records wandering around in them. Does that not scare you? It scared me, and that's why we added this amendment to fix it.

I wonder if the majority thought of the residents near any nuclear facility and the sheer devastation a criminal or terrorist act in that facility might cause. Were they thinking of the children and the working families, the people who trust us to keep them safe? Or were they thinking of just backroom deals with other committee Chairs?

I say to the people bent on stripping this bill of the security provisions: Stand up for this bill. Stand up for the good we are doing to safeguard the American people. Do not offer the manager's amendment to strip these provisions out and leave the Nation vulnerable in many areas.

There is no way that this House can possibly justify passing an amendment to this bill that will take out provisions like:

Denying alien smugglers access to maritime routes.

Tough postemployment lobbying restrictions on Department of Homeland Security officials, a Democrat provision being stripped.

Implementing the 9/11 Commission recommendation for a single committee overseeing the Department of Homeland Security.

Or authorizing better information sharing among Federal, State and local law enforcement partners.

These provisions were all stripped from the bill. There is no way that we could support this unless we want to water down homeland security.

We should all be concerned about the things that are not in this bill. We could fix the loophole today by giving authorization and leaving the bill the same as it was when it left the committee. That's an important procedure that would protect America's homeland.

Mr. THOMPSON of Mississippi. Mr. Chairman, I wish to help the gentlelady from Florida. If you will check, the data sharing and the child predator requirements are left in the bill. They're not taken out. I just want to make sure that you have the latest version of the bill in that respect.

Mr. Chairman, I yield 2 minutes to the gentlelady from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the chairman for yielding. I could take a minute to thank him for his masterful handling of this bill in a bipartisan fashion before this committee.

I want to strongly thank the chairman for the way in which the committee has insisted on endorsing a headquarters for this department, because one of the continuing and most sustained criticisms of the department has been its management. But how can we expect the department to be managed when they are in 60 different places, 80 different leases?

The inefficiencies, Mr. Chairman, associated with the dispersal of this largest department are incalculable. The great cuts and deficiencies we have seen in the Homeland budget pale beside what we see in the way in which it is positioned: multiple and redundant mailrooms and screening facilities and parking and child care facilities and fitness centers; and, above all, shuttles just so that one part of the department can get to meet face to face with another part. Worst of all, one part that I know will be vacated is the Massachusetts Avenue headquarters, and yet they're having to spend \$18 million just to make that livable. They are forced to live by short-term leases, rollover leases, wasting money.

We have an opportunity, because to the President's credit, he has put money in the appropriation to begin to build a headquarters for this department. It was in there last session. It did not get passed. It's up to the appropriators, the new appropriators, to make sure we have a real department and real headquarters.

Mr. KING of New York. Mr. Chairman, I am privileged to recognize for 4 minutes the gentleman from Florida who has done such an outstanding job in a brief time on the committee, Mr. BILIRAKIS.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of H.R. 1684, the Fiscal Year 2008 Department of Homeland Security Authorization Act, a good bill which could be much better. I say that because the manager's amendment, if adopted, would strip out many bipartisan provisions that would have helped prevent terrorism and strengthen immigration enforcement, including one that I authored.

H.R. 1684 currently includes an amendment I sponsored that was adopted during the committee's consideration of this bill which would improve maritime immigration enforcement. As a representative from Florida, I know how critically important it is to secure our maritime borders, as do many of our coastal colleagues.

Coast Guard RADM David Pekoske testified before our Border, Maritime, and Global Counterterrorism Subcommittee in February about the challenges of coastal security. During his testimony, he highlighted an ongoing partnership with US-VISIT to deploy mobile biometrics collection equipment on Coast Guard cutters operating in the Mona Pass between the Dominican Republic and Puerto Rico, where almost half of our maritime migrant apprehensions take place. I was intrigued by the possibility of this effort and the promise it may hold for strengthening our maritime defenses.

My amendment, which the manager's amendment removes from this bill, would expand this effort into a formal pilot program and require DHS to evaluate the results to determine the feasibility and appropriateness of expanding such capability to all DHS maritime vessels. This capability is critically important since we currently do not have the ability to verify the identity of apprehended migrants, previous immigration violators, criminals, and possible terrorists in the maritime environment. This deficiency allows those who seek to break our Nation's immigration laws and those who may wish to commit terrorist acts to remain undetected and be repatriated without consequence so that they are free to continue their illegal and dangerous behavior.

The biometric identification of interdicted aliens in the maritime environment has the potential to greatly improve the security of America's coastal borders. Unfortunately, since the majority has decided to remove this provision from this bill, we will not realize that promise.

I am extremely disappointed and frustrated at this process. Many of the provisions that the manager's amendment strips from this bill were supported by every member of the Homeland Security Committee, including our chairman, whom I greatly admire and respect. However, I cannot understand why we would allow those who do not serve on our committee to dictate to us how we should or should not do our jobs. We simply should not put political expediency above homeland security.

Mr. Chairman, I believe that this bill represents a missed opportunity to enhance our country's immigration enforcement, help stop terrorism, and improve our ability to respond should the unthinkable happen again.

Though I plan to support its final passage here, I implore my friends on the other side of the aisle to work with us to move forward on the many bipartisan provisions which would have made this bill much better.

Mr. THOMPSON of Mississippi. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Mississippi has 20 minutes. The gentleman from New York has 11.

Mr. THOMPSON of Mississippi. Thank you very much.

Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

□ 1400

Mr. DINGELL. Mr. Chairman, I thank my distinguished friend and colleague from Mississippi for the recognition. I recognize that securing our homeland is going to take tremendous efforts across the agencies and involve government expertise and cooperation throughout the government. I want to say that, in this matter, the business of the Nation is in good hands in those of my friend from Mississippi.

I represent Michigan, the State with three of the busiest northern border crossings in the United States. Our citizens have long been accustomed to an open border in which citizens on both sides were able to commute to jobs, visit families, do shopping and visiting across international borders.

With the events of September 11, 2001, our borders were shut. Michigan's economy literally ground to a halt. Just in time deliveries to Michigan factories and industries were stopped at the border. The new security realities threaten to idle factories and to lay off workers.

This bill goes a long way to making sure that we avoid that situation, and it will also enable thousands of our citizens on both sides of the border, Michiganders and Canadians, the freedom to travel when they need to and in ways to which they have grown accustomed.

The US-VISIT program is properly funded, more inspectors will be hired for the border. New technologies will be deployed to help ease the traffic and speed processing.

Under the leadership of our friend, the chairman, Mr. THOMPSON, the bill increases Department of Homeland Security budget by \$2 billion more than last year, and nearly 8 percent above the President's budget. Not only is more being put into the border, but we are also restoring funding to our first

responders, money that was cut by the President's budget. State Homeland Security and Fire Assistance grants are restored to appropriate levels.

As I said before, preparing and preventing another terrorist attack is a responsibility to all. As we learned 6 years ago from the anthrax attacks here on Capitol Hill, it is important that the Federal Government have an intelligent, coordinated and effective response to bioterrorism and to all our terrorisms. All Cabinet-level Departments and the agencies under their purview must work towards ensuring our domestic security.

It is, however, important that as we move forward on this legislation, we keep in mind that the agencies have the expertise and the skill to answer public health emergencies. We must not allow mission creep to set in blurring lines of authority and diluting the effectiveness of our response effort.

I also want to point out the need for strong improvements in the cybersecurity of this Nation. The Committee on Energy and Commerce has long sought to raise the profile of cyber threats within DHS and to better prepare the Nation for potentially catastrophic cyber disruptions. The manager's amendment in this legislation will require DHS to collaborate with expert agencies, including the Department of Commerce and the Federal Communications Commission. This collaboration will ensure that ongoing efforts will not be interrupted or eroded.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. ROGERS) who did such an outstanding job as chairman of the Oversight Subcommittee in the previous conference.

Mr. ROGERS of Alabama. Mr. Chairman, as ranking member of the Homeland Security Subcommittee on Management, Investigations and Oversight, I have worked with my committee colleagues on this legislation for some time. I was also an original cosponsor of the bill, primarily because of its provisions to improve oversight, management and procurement at the Department of Homeland Security.

On March 28, our committee produced a sound bipartisan bill that the committee passed by a vote of 26-0. Unfortunately, as the bill headed to the House floor, jurisdictional turf battles took over. At least 16 important security provisions were dropped, and many more were altered without input from our side of the aisle.

Unfortunately, at least one of the dropped provisions addressed a key 9/11 Commission recommendation. This feature would centralize jurisdiction and oversight for homeland security in one committee, in both the House of Representatives and the Senate.

Last Congress, the Republican leadership in the House heeded this recommendation by creating a new standing Committee on Homeland Security. This new standing committee was wise-

ly vested with substantial jurisdiction over DHS.

While we recognize that last Congress was an ambitious first step, experience has shown that jurisdiction over this department still needs further consolidation, not erosion. Far too many committees and subcommittees in Congress still exercise control and oversight authority over DHS. 88 to be exact. Already this year, DHS officials have testified at over 100 congressional hearings.

It's my hope that leaders on both sides of the aisle can come to an understanding to help consolidate authorization jurisdiction under this one committee. Had this been the case this year, the bipartisan, well-reasoned bill that was originally presented to the House would not have been carved up by jurisdictional turf battles.

Until this issue is resolved, the House will not be able to exercise the needed oversight over DHS, just as it does with the other Departments in the Federal Government. Consequently, I must oppose this bare boned bill, and hope that we will address this critical issue of jurisdiction in the near future.

Mr. THOMPSON of Mississippi. Mr. Chairman, I now recognize the chairman of the Transportation Subcommittee, Ms. JACKSON-LEE, for 2½ minutes.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the chairman of the full committee, Mr. THOMPSON, and the ranking member. They know that our byline is that we are a bipartisan committee. The reason is because entrusted to the Homeland Security Committee is the security of the Nation, security of a Nation that we love, security of a people that we cherish.

Whenever we hear of a tragic truck accident in California, explosive truck accident, the viciousness of the shooting at Virginia Tech, and the bombing, or the threats of such, in the London train system, we begin to think of our security. No, maybe those are accidents, maybe those are not considered terrorist acts, Virginia Tech or the tragedy in California, but it causes America to begin to think about her own security.

That is why H.R. 1684 is a strong reflection of the importance of security to this majority leadership. I am very proud that, in the early days of our legislation or our time as the majority, we passed the 9/11 bill, certainly working with a bipartisan leadership. We have moved to ensure that for the first time that we have a strong authorization bill on homeland security.

We have not forgotten the employees, and I was glad to be able to offer a particular amendment that addressed the question of the morale and the leadership and the training of our employees. That is important, for if your employees are not fully functioning, the question of security is a question. And so I

was delighted to be able to incorporate language regarding the CMOs qualifications, to ensure that the CMO possess a demonstrated ability and knowledge of treatment of illnesses caused by chemical, biological, nuclear and radiological agents.

I am also glad to have developed an amendment which strips the Department of the authority to develop a personnel system different from the traditional GS schedule Federal model. In a number of critical ways the personnel system established by the Homeland Security has been a litany of failure.

The question is, that if we don't order and put in order our homeland security function, then we cannot secure America. That is what 1684 does. And we will address the questions of security, of civil liberties, of protecting our highways, of being concerned about rail security, we will do it and continue to do it because we believe in America.

H.R. 1684 gives us the perfect road map, the perfect hand print to secure this Nation. I ask support for the bill.

Mr. Chairman, September 11, 2001, is a day that is indelibly etched in the psyche of every American and most of the world. Much like the unprovoked attack on Pearl Harbor on December 7, 1941, September 11, is a day that will live in infamy. And as much as Pearl Harbor changed the course of world history by precipitating the global struggle between totalitarian fascism and representative democracy, the transformative impact of September 11 in the course of American and human history is indelible. September 11 was not only the beginning of the Global War on Terror, but moreover, it was the day of innocence lost for a new generation of Americans.

Just like my fellow Americans, I remember September 11 as vividly as if it was yesterday. In my mind's eye, I can still remember being mesmerized by the television as the two airliners crashed into the Twin Towers of the World Trade Center, and I remember the sense of terror we experienced when we realized that this was no accident, that we had been attacked, and that the world as we knew it had changed forever. The moment in which the Twin Towers collapsed and the nearly 3,000 innocent Americans died haunts me until this day.

At this moment, I decided that the protection of our homeland would be at the forefront of my legislative agenda. I knew that all of our collective efforts as Americans would all be in vain if we did not achieve our most important priority: the security of our nation. Accordingly, I became then and continue to this day to be an active and engaged Member of the Committee on Homeland Security, and Chairwoman of the Transportation Security and Infrastructure Protection Subcommittee, who considers our national security paramount.

Our nation's collective response to the tragedy of September 11 exemplified what has been true of the American people since the inception of our Republic—in times of crisis, we come together and always persevere. Despite the depths of our anguish on the preceding day, on September 12, the American people demonstrated their compassion and solidarity for one another as we began the process of response, recovery, and rebuilding. We transcended our differences and came together to



honor the sacrifices and losses sustained by the countless victims of September 11. Let us honor their sacrifices by passing H.R. 1684, which bolsters the efficacy, accountability, and our oversight over the Department of Homeland Security.

This bipartisan bill was reported out of the Homeland Security Committee by a unanimous vote and includes many significant provisions I ensured were incorporated either into the base bill or through amendments at the Full Committee Markup aimed at strengthening and streamlining management, organizational, personnel, and procurement issues at the Department to facilitate execution of its homeland security mission.

H.R. 1684 authorizes \$39.8 billion in appropriations for the activities of the Department of Homeland Security for Fiscal Year (FY) 2008—\$2.1 billion over the requested amount of the President's FY 2008 budget. H.R. 1684 is an oversight and management bill that builds capacity, provides resources, and ensures accountability at what GAO still views as a high-risk endeavor—the transformation and integration of 22 entities into the Department of Homeland Security.

H.R. 1684 establishes important offices such as the Directorate for Policy, the Office of Health Affairs, and the Office of Cybersecurity and Communications. Within the Office of Health Affairs, this bill creates a Chief Medical Officer, CMO, and I worked with Chairman THOMPSON to incorporate language regarding the CMO's qualifications to ensure that the CMO possess a demonstrated ability and knowledge of treatment of illnesses caused by chemical, biological, nuclear, and radiological agents.

Moreover, I introduced an amendment which passed during the Committee Markup of H.R. 1684 which strips the Department of the authority to develop a personnel system different from the traditional GS schedule Federal model. In a number of critical ways, the personnel system established by the Homeland Security has been a litany of failure.

The flexibility we originally granted in the Homeland Security Act of 2002 has not worked. That is why I offered an amendment repealing the DHS human resources personnel system.

The Department has abused the flexibility given by Congress. They have created a personnel system that eviscerates employee due process rights and puts in serious jeopardy the agency's ability to recruit and retain a workforce capable of accomplishing its critical missions.

We initially believed that the flexibility given the Department would allow it to respond better in times of crisis. We know now that nothing could be further from the truth. The abysmal response to Hurricane Katrina taught us that lesson.

Despite Court rulings, however, on March 7, 2007, DHS announced that it will put into effect portions of the personnel system not specifically enjoined by the Court. Just a few weeks earlier, DHS outlined plans to move slower on its controversial personnel overhaul, formerly known as MaxHR, but now called the Human Capital Operations Plan or HCOP.

Implementing these plans would further undercut the fairness of the appeals process for DHS employees by eliminating the Merit Systems Protection Board's current authority to modify agency-imposed penalties. These regu-

lations would also provide the Secretary sole discretion to identify offenses and impose employee penalties as well as appoint a panel to decide the employee appeals the Secretary's action.

According to U.S. District Judge Rosemary Collyer, these regulations put the thumbs of the agencies down hard on the scales of justice in [the agencies'] favor.

The Federal Appeals Court agreed with the District Court's basic conclusion regarding the lack of fairness of these planned changes in adverse action and appeal rights, but ruled that they were not yet ripe for a decision since no one has been subject to discipline under them. It is clear that another court case will be filed should DHS put these provisions into place and an employee is harmed by the new adverse actions and appeals procedures.

Some insisted that employees would be happier and more efficient if they were managed more like the private sector. We know now that nothing could be further from the truth. The Department's morale ratings have consistently been at or near the bottom of all federal agencies.

In February of this year, the Department of Homeland Security received the lowest scores of any Federal agency on a Federal survey for job satisfaction, leadership and workplace performance. Of the 36 agencies surveyed: DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th on results-oriented performance culture, and 33rd on talent management.

We know that the Department too often does not listen to their employees. In fact, the National Treasury Employees Union, NTEU, sent me a letter on behalf of the 15,000 employees of DHS' Bureau of Customs and Border Protection thanking me for introducing my amendment repealing DHS' failed human resource management system, MaxHR. Despite its incredibly low morale, the Department is not changing its plans to implement MaxHR. Instead the Department is merely changing the name of an unpopular and troubled system. MaxHR will become HCOP.

With the abysmal morale and extensive recruitment and retention challenges at DHS, implementing these personnel changes now will only further undermine the agency's employees and mission. From the beginning of discussions over personnel regulations with DHS more than 4 years ago, it was clear that the only system that would work in this agency is one that is fair, credible and transparent. These regulations promulgated under the statute fail miserably to provide any of those critical elements. It is time to end this flawed personnel experiment.

So it is time for Congress to once again step in. It is time to say to the dedicated workers of the Department of Homeland Security that they deserve to be treated with the same dignity and respect granted to other federal employees. Therefore, I thank my Homeland Security colleagues who supported my amendment repealing DHS' failed human resource management system because Homeland Security is too important to get it wrong again.

I also worked with Chairman THOMPSON to incorporate into H.R. 1684 language authorizing the Citizen Corps and the Metropolitan Medical Response System programs to strengthen emergency response and recovery efforts.

The Citizen Corps Program is a critical program within the Department of Homeland Security that engages the community to be involved in emergency preparedness through public education and outreach, training, and volunteer service.

My language ensured that funding will enable local Citizen Corps Councils to more adequately provide education and training for populations located around critical infrastructure. These populations will have an opportunity to be better prepared to respond to natural disasters, acts of terrorism and other man-made disasters.

In a bipartisan fashion, I also worked with my colleague from Texas, Representative MCCAUL, to draft an amendment regarding CBP officers and their policies. My amendment called for the GAO to study the Border Patrol's policies on pursuit and the use of lethal and non-lethal force.

Our Border Patrol officers operate in some of the most dangerous regions in the country and are often required to use force and pursue suspects on a daily basis. An independent evaluation of these practices and policies is important so that the Border Patrol knows the parameters of its enforcement tactics and has the information necessary to assess whether it needs to adopt new policies.

My amendment also requires GAO to examine the number of incidents where force was used and when it has led to penalties against our Border Patrol officers, so we have hard data that can guide any reassessments that may be necessary.

Recognizing the problem first is essential to fixing the situation. This non-partisan report by GAO will be a major step in evaluating these vital Border Patrol policies.

H.R. 1684 also requires the Department to conduct a Comprehensive Homeland Security Review, similar to the Quadrennial Defense Review conducted by the Department of Defense. In addition, the bill requires pay parity for Customs and Border Protection employees and other border personnel enhancements and addresses critical staffing needs by tapping into the pool of experienced Federal annuitants.

In conclusion, I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. My prayer is that for those who lost a father, a mother, a husband, a wife, a child, or a friend will in the days and years ahead take comfort in the certain knowledge that they have gone on to claim the greatest prize, a place in the Lord's loving arms. And down here on the ground, their memory will never die so long as any of the many of us who loved them lives.

Mr. Chairman, the best way to honor the memory of those lost in the inferno of 9/11, is to do all we can to ensure that it never happens again. The best way to do that is to bolster the efficacy, accountability, and our oversight over the Department of Homeland Security, which we created in the aftermath of 9/11 to protect and preserve our Nation which we all hold so dear.

Mr. KING of New York. Mr. Chairman, I recognize the gentleman from Texas, the ranking member of the Emerging Threat Subcommittee, Mr. MCCAUL, for 3 minutes.

Mr. MCCAUL of Texas. Mr. Chairman, I rise today not in opposition to

what this legislation stands for, but out of concern for what this legislation fails to include.

Numerous provisions that were part of the authorization bill which were approved unanimously and reported by the Committee on Homeland Security were removed from the legislation that is before us today. And these provisions were largely eliminated without any real policy justification for their removal. Never in the history of the Homeland Security Committee has such an action been done.

One of these provisions stripped from the authorization bill before us today was based on a piece of legislation I introduced which authorizes the National Bio and Agro Facility, or NBAF. The text of this legislation was unanimously approved at the Committee on Homeland Security authorization bill markup.

I am at a loss as to why my colleagues across the other side of the aisle unilaterally decided to eliminate the NBAF provision from this bill, especially when some of my Democratic colleagues on the committee, including Chairman THOMPSON, were original cosponsors of the NBAF legislation.

The need for the NBAF is clear and immediate. Its establishment is crucial to defending our Nation from agroterrorism and naturally occurring animal diseases. Currently, there's not one Biosafety Level 3 and BSL 4 livestock laboratory in the United States, and the NBAF provision would have authorized a facility to fill that gap.

DHS is conducting a site selection process right now. Eighteen sites have been looked at across the country, one close to my district at Texas A&M. They are investing significant resources in the competition.

I'd also like to note that some of the other sites being considered lie in or near districts represented by Democratic colleagues.

Congress has already provided \$46 million for pre-construction NBAF activities, and yet, DHS currently does not have the legal authority it needs to even procure the land.

Because the enactment of this legislation is crucial to the establishment of the NBAF and to defending the Nation against the threats of agroterrorism, and because this legislation was eliminated from the authorization bill before us, I urge my colleagues to work to move forward in a bipartisan way to help secure our homeland and to pass H.R. 1717.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3½ minutes to a former member of the committee, who is still very much interested in homeland security, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to congratulate the chairman for a great job and his counterpart, ranking member. There's a lot of work that goes into this, a lot of work.

But just 1 year ago today we were still debating the following: We were

debating Federal agencies which still tended to spend needless energy fighting one another over turf and money issues. And it's always been unclear as to who is in charge.

The basic issues underlined by the 9/11 Commission and other committees remain unresolved until now. With this piece of legislation, 1684, we are going to really jump into the middle and the center of the storm. We still have inability of police and fire departments to communicate with one another. We still have senseless rivalries among our agencies under our jurisdiction, and, three, there's still incompatibility in computer systems impeding data sharing.

The institutions that we have oversight over must understand that they are the three major areas that they must do something about in a positive sense. This legislation before us, 1684, will strengthen the Department through better management and increased oversight. This finely crafted proposal is important to the security of the United States of America.

So I commend you both. I commend the chairman for his valiant efforts to improve national security. As a former member of the committee, I've worked closely with him over the years, and can state firmly that no one works harder or smarter on issues that affect America's safety than the gentleman from Mississippi.

I also know that working the legislative maze that is Capitol Hill is never an easy task, particularly when it comes to the wide array of turf battles between the various entities.

I think the bill we vote on today, which will pass, is a prudent course charted to overcome those obstacles.

□ 1415

Indeed, this bipartisan proposal includes many significant provisions aimed at strengthening and streamlining management, organizational personnel and procurement issues at the Department to facilitate execution of our mission.

This bill authorizes \$39.8 billion in appropriations, \$2.1 billion needed over the request of the President of the United States. This side of the aisle, joined by that side of the aisle, will no longer shortchange Homeland Security in the resources and apparatus needed to do the job.

This critical funding will help establish important offices, such as the Directorate for Policy, the Office of Health Affairs, and the Office of Cybersecurity and Communications. Areas that are crucial in homeland security but often are ignored. With this bill we no longer ignore the issues that have the potential to cause us severe harm if left unattended.

The security of our homeland is as important as it gets. This bill takes this austere responsibility seriously. So I applaud the chairman. I applaud the committee and its fantastic staff for crafting sound legislation. And I

implore the support of all my colleagues.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I rise to speak on the Homeland Security authorization bill, H.R. 1684.

The stated purpose of H.R. 1684 is to enhance homeland security. Unfortunately, the restricted rule enacted at the behest of the majority excludes certain measures that would have increased our domestic security. One such provision is my amendment on the Automated Targeting System for Passengers, or ATS-P. ATS-P coordinates information already available from sources and allows Customs and Border Protection to perform risk assessments of people entering the United States. In this way CBP can identify a person of interest and question that individual before, let me repeat, before that person gains formal admission into this country.

This amendment would have been a positive step towards improving border security.

ATS-P is a system that is already deployed and that has already had some notable successes. It would have fulfilled a 9/11 Commission recommendation. And yet the majority remains opposed to it and made sure that it was not made in order. The motive behind that exclusion remains a mystery.

The mystery deepens when one considers what was made in order today, specifically one portion of the manager's amendment. During committee proceedings at my request, we inserted language authorizing funding for the United States Secret Service. The Secret Service, once an entity of the Treasury Department, now falls within the jurisdiction of the Department of Homeland Security. The Secret Service plays an important function in safeguarding the citizens of this country. The amendment I offered would have fully funded the President's request for the Secret Service's protection missions. It also would have provided over \$322 million for Investigations and Field Operations, the unit within the Secret Service that investigates and prosecutes counterfeiting, fraud and identity theft.

Mr. Chairman, I will insert a copy of a letter into the RECORD from the National Fraternal Order of Police endorsing the inclusion of Secret Service funding within the Homeland Security authorization bill.

FRATERNAL ORDER OF POLICE,

Washington, DC, May 8, 2007.

Hon. BENNIE THOMPSON,  
Chairman, Committee on Homeland Security,  
Washington, DC.

Hon. PETER KING,  
Ranking Member, Committee on Homeland Security,  
Washington, DC.

DEAR CHAIRMAN THOMPSON AND RANKING MEMBER KING: I am writing on behalf of the membership of the Fraternal Order of Police to express our support for H.R. 1684, the "Department of Homeland Security Authorization Act of 2008." We are strongly supportive



of sections 501, 502, 504, 505, which would provide law enforcement retirement benefits and improve recruitment and retention for Customs and Border Protection (CBP) officers.

I also would like to urge the retention of Sections 1101 and 1120. Section 1101 allows funding from Department of Homeland Security interoperability grants to procure equipment that conforms to the SAFECOM interoperability continuum. SAFECOM is a communications program of the Department of Homeland Security's Office for Interoperability and Compatibility that, with its Federal partners, provides research, development, testing and evaluation, guidance, tools, and templates on communications-related issues to local, tribal, State, and, Federal emergency response agencies. In developing the continuum, SAFECOM coordinated its efforts with numerous State and local law enforcement and emergency services entities. Interoperable communications are critical in the successful prosecution of law enforcement missions and play a critical role in ensuring officer and civilian safety.

We are also asking that you support Section 1120, which authorizes \$1.64 billion and an additional 122 personnel for the United States Secret Service, an increase of 14 percent over the President's request. The Secret Service is charged with protecting our nation's most important leaders and visiting foreign dignitaries as well as conducting criminal investigations. Since 9/11 the Secret Service's limited assets have been increasingly stretched thin at a time when the number of candidates they protect has increased from 20 to 55 and the amount of counterfeit money in circulation has increased by 30 percent.

This section would also provide additional funding for our overworked and undercompensated Secret Service Uniformed Division. These dedicated men and women work tirelessly to provide protection to an increasing number of visiting officials, as well as protecting foreign embassies in the United States. However, they are experiencing a turnover rate of 20–25 percent a year as officers leave the agency to find better paying jobs with other Federal law enforcement agencies.

It is important that law enforcement receives the tools and funding needed to fulfill its mission. Sections 1101 and 1120 do just that and we urge you to retain them in the final bill. On behalf of the more than 325,000 members of the Fraternal Order of Police, I want to thank you for all of your help on this important issue. Please do not hesitate to contact me, or Executive Director Jim Pasco, through our Washington office if we can be of any further assistance.

Sincerely,

CHUCK CANTERBURY,  
*National President.*

In fulfilling our homeland security mission, this Congress should provide oversight of and support for homeland security agencies, one of which is now the Secret Service. The FOP endorses this suggestion. So do I. I wish that my colleagues on the other side would embrace this idea, along with the better security provided by the ATS-P provisions as well.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding. And

let me thank the chairman and ranking member for their hard work.

The Department of Homeland Security is tasked with protecting America and its citizens. There is no greater charge. Oversight is critical to the Department both to root out waste, fraud and abuse, and to examine the effectiveness and to recommend improvements for the Department's operations. This bill provides support for the Inspector General's Office and creates tools that will enhance transparency for Congress and the public.

To help improve policymaking at the DHS and to promote long-term planning, this bill establishes a Directorate for Policy to be headed by an undersecretary for policy and requires a quadrennial review of the Department's practices and mission.

This policymaking must address the needs of America's most vulnerable citizens: its children. I thank the chairman for including my language that requires the Directorate for Policy to address the needs of children. That will enable the Department to enhance school preparedness and other emergency planning needs of facilities for children.

As a former superintendent of North Carolina's public schools, I know how important planning is to preparedness and security for our schools and other places that focus on our children. The Department must understand the importance of including schools and children in emergency planning, and this bill will ensure that it does so.

I also believe that DHS must prioritize the protection of our critical food and agriculture infrastructure to enhance the health and security of America. The ongoing melamine crisis only reveals how vulnerable we are.

This bill requires the Department to report on their progress on agriculture security in response to issues raised by two critical reports on their efforts. That will ensure that DHS is doing appropriate planning for agriculture security and give Congress the opportunity for oversight. I thank the chairman for including this in this bill.

I am also concerned about the security of sensitive materials used by the Department, uniforms, badges, identification cards, and protective equipment.

H.R. 1684 enhances the nation's security by requiring these items, subject to practical exceptions, produced domestically when they will be used domestically.

Taken together, the many good provisions in this bill will improve the Department's ability to protect our homeland. This is a good, bipartisan bill, and I urge my colleagues to support it.

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the gentleman from south Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I rise in support of H.R. 1684, the Department

of Homeland Security Authorization Act.

As a cosponsor, I certainly want to thank Chairman THOMPSON for the leadership and the strong support that he has shown in moving this bill along, and I also want to thank my friend, Ranking Member KING, for his bipartisan work and for the hard work that he has provided.

This particular bill has three provisions that I have added with the help of the chairman, the ranking member, my colleagues and the committee staff. And I want to thank them for their work.

The first provision creates a direct line of communications between border local elected officials and the private sector and the policymakers at the Department through a Border Communities Liaison at the DHS Office of Policy. This is important to make sure that we get the local input.

The second provision calls for the evaluation of and emphasis on training of Border Patrol agents along the southwest border where many of them are going to serve.

And the third and last provision mandates for the first time a comprehensive assessment of the staffing, infrastructure and technology resources that are needed to reduce the wait times for pedestrian, commercial and noncommercial traffic at the border. We want to have border security, but at the same time, we do not want to impede trade and tourism.

I thank Chairman THOMPSON for his support and ask my colleagues to support H.R. 1684.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I would like to engage in a brief colloquy with the chairman about an amendment Mr. LIPINSKI and I offered in the Rules Committee yesterday afternoon regarding airport security badges.

Dave Savini of CBS TV revealed that, since 2004, 3,760 aviation security badges have gone missing at O'Hare. These badges are the only identification needed for law enforcement officials, independent contractors, baggage handlers, flight attendants and pilots to enter the airfield. When an employee is fired, some airport contractors are unwilling to reclaim their badges from employees, who retain full access to the airport.

This problem is not isolated at Chicago. In early February, officials at Los Angeles International Airport reported 120 missing TSA badges; in Oakland, 500 missing badges; in Buffalo, nearly 40 missing badges; and 42 missing badges in Dallas.

Mr. Chairman, the Kirk-Lipinski amendment we offered would require airport contractors to make a reasonable effort to retrieve badges from employees whose employment has ended and notify the local airport authority within 24 hours. Failure to comply would then result in a civil fine of up

to \$10,000 per day. Hitting contractors where it hurts, in their pocketbooks, can help make our Nation's airports safer. And our amendment will now be included in a freestanding bill.

Mr. Chairman, I thank you for engaging in this colloquy on this matter and appreciate your support in working with Mr. LIPINSKI and me in a bipartisan manner to address this issue in the future.

I yield to the chairman.

Mr. THOMPSON of Mississippi. Mr. Chairman, I thank Mr. KIRK as well as Mr. LIPINSKI for bringing this to the committee's attention. I agree with the gentleman that the issue of airport security badges must be examined in closer detail.

I share your commitment to securing our airports and look forward to working with you on this issue in the Homeland Security Committee.

Mr. KIRK. I thank the chairman.

Mr. THOMPSON of Mississippi. Mr. Chairman, I now yield 2½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of the Department of Homeland Security Authorization Act.

In 4 years Congress has not been able to successfully pass an authorization measure into law. That all changes today, and I want to commend the chairman and the ranking member for their leadership in bringing the bill to the floor today.

Today, the Democratic majority is changing paths by making homeland security and appropriate oversight a priority for Congress, and under the leadership of Chairman THOMPSON, we will pass the bill this year. This bill provides us that opportunity while authorizing an additional \$2.1 billion for the Department. This is truly an historic moment. While I applaud many provisions of this bill, I particularly would like to focus on a few key elements that will significantly improve America's security.

As chairman of the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I am particularly pleased that this bill incorporates legislation I introduced to improve the material threat assessment process under Project BioShield. This language requires the Secretary to effectively group similar threats together in order to move towards a "one drug, many bugs" approach to biosecurity that will allow us to combat multiple threats simultaneously.

H.R. 1684 also establishes a National Biosurveillance Integration Center based on a measure that I introduced. Biointelligence and biosurveillance provide the early warning systems necessary to detect the spread of disease, whether natural or intentional. This center will integrate data from bio-

surveillance systems with other intelligence to provide a comprehensive and timely picture of existing biological threats.

Lastly, this bill recognizes the importance of investing more in cybersecurity, a critical need at this juncture. We authorize an additional \$50 million for cybersecurity research and development activities at DHS, critical resources to address one of our most pressing and underfunded needs. We cannot overestimate the importance of biosecurity.

Again, I want to stress the importance of cybersecurity, and we need to do more in this area. And I look forward to working with the chairman on this and other priorities.

I want to thank Chairman THOMPSON for including these and many other critical provisions. I am proud that we are well on our way to seeing the first ever DHS authorization bill signed into law. And I urge my colleagues to join me in supporting this measure.

Thank you, Chairman THOMPSON, for your leadership.

Mr. KING of New York. Mr. Chairman, I will continue to reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, for the purpose of a colloquy, I would like to yield such time as he may consume to the gentleman from Texas.

□ 1430

Mr. RODRIGUEZ. Mr. Chairman, I would like to thank you for this time and for your willingness to work with me on issues that are important to my district and to the State and the country as a whole.

As you know, I represent one of the longest stretches of the southern border with Mexico, my congressional district, the 23rd. Eleven counties in my district are on the Mexican border, and a variety of others are 20 miles away from the Mexican border.

As I travel throughout my district, one of the most common concerns is the lack of resources rural law enforcement officers have on the border. These departments often have just a few officers on the entire force, and they have to handle the same drug cases and human smuggling cases that large cities do. Except processing these cases in small communities means taking half or, in some cases, all of the staff in those particular communities.

I had planned to offer an amendment that would have provided necessary additional resources for the border to local police departments as well as the sheriff's departments to hire and equip and train additional officers. I have withdrawn that amendment with the hopes of being able to work with the chairman and this committee to bring this critical aid to our local law enforcement on the Mexican border.

Mr. Chairman, once again, I thank you; and I would ask for your help and your assistance.

Mr. THOMPSON of Mississippi. Mr. Chairman, I would like to thank the

gentleman from Texas (Mr. RODRIGUEZ) for his willingness to work with the committee. I know very well how important border security is to his constituents and how hard he has worked since returning to Congress to keep his community safe and bring the necessary resources to Federal, State and local law enforcement on the border. I certainly appreciate his expertise on border security issues. I look forward to working with him to ensure that our brave law enforcement men and women receive the assistance they need to keep border communities in our Nation safe and secure.

Mr. THOMPSON of Mississippi. Mr. Chairman, at this time, I will insert into the RECORD letters from the American Federation of Government Employees and The National Treasury Employees Union in support of this legislation.

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO,

Washington, DC, May 7, 2007.

DEAR REPRESENTATIVE: On behalf of the American Federation of Government Employees (AFGE), which represents 26,000 Department of Homeland Security (DHS) workers, I strongly urge you to vote in support of passage of H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008. The legislation responds to many issues AFGE has raised on behalf of the Border Patrol Agents, Customs and Border Protection Officers, Transportation Security Officers, Federal Protective Service Officers and other workers important to the agency's mission of keeping our country safe.

H.R. 1684 supports DHS workers by repealing the portion of MAXHR (the agency's flawed attempt to re-make civil service rules and protections) relating to employee appeal rights and performance management goals. The repeal of these provisions is of great importance because DHS has stated its intention to implement MAXHR regulations on employee appeal rights and performance management goals despite the likelihood that they will be overturned in federal court. The legislation also restores statutory authority for collective bargaining rights for DHS workers because the DHS regulations establishing a new collective bargaining system have been overturned by the courts. The reinstatement of fairness in DHS workplace rules and procedures is vitally important to keeping the expertise of highly trained, committed homeland security professionals at the agency.

H.R. 1684 recognizes the legitimate law enforcement responsibilities of Customs and Border Patrol Officers by including them in the federal Law Enforcement Retirement System, and strengthens Border Patrol Officer recruitment and retention measures, which will ensure that there are adequate personnel available to patrol our borders. The legislation also includes provisions that will prevent Immigration and Customs Enforcement from implementing its unsound plan to eliminate police officers and special agents at the Federal Protective Service. H.R. 1684 recognizes that worker security in the DHS workplace facilitates greater homeland security for us all.

The workers at DHS have performed above and beyond the call of duty, even with bad workplace rules and policies. H.R. 1684 recognizes the contribution of the men and women on the front lines of security and provides them with the resources necessary to ensure

that they continue to provide the best security in the world today. AFGE again strongly urges you to vote in support of H.R. 1684.

Sincerely,

BETH MOTEN,  
*Legislative and Political Director.*

THE NATIONAL TREASURY  
EMPLOYEES UNION,  
*Washington, DC, May 7, 2007.*

Re Vote Yes on H.R. 1684, FY 2008 Department of Homeland Security Authorization Act

DEAR REPRESENTATIVE: I am writing on behalf of the 150,000 members of the National Treasury Employees Union (NTEU) including 15,000 employees at the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) to urge you to vote for passage of H.R. 1684, a bill to authorize appropriations for fiscal year 2008 for DHS.

H.R. 1684 includes many provisions that will enhance DHS's national security mission. Of particular importance is Section 512 a provision that repeals the failed DHS human resource management system established by the Homeland Security Act of 2002 and the subsequent regulations issued by DHS.

In February of this year, DHS received the lowest scores of any federal agency on a federal survey for job satisfaction, leadership and workplace performance. Of the 36 agencies surveyed, DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th of results-oriented performance culture, and 33rd on talent management. As I have stated previously, widespread dissatisfaction with DHS management and leadership creates a morale problem that affects the safety of this nation.

The four-year DHS personnel experiment has been a litany of failure because the law and the regulations effectively gut employee due process rights and put in serious jeopardy the agency's ability to recruit and retain a workforce capable of accomplishing its critical missions. When Congress passed the Homeland Security Act in 2002, it granted the new department very broad discretion to create new personnel rules. It basically said that DHS could come up with new systems as long as employees were treated fairly and continued to be able to organize and bargain collectively.

The regulations DHS came up with did not even comply with these two very minimal and basic requirements and subsequent court rulings confirmed this truth. It should be clear to Congress that DHS has learned little from these court losses and repeated survey results and will continue to overreach in its attempts to implement the personnel provisions included in the Homeland Security Act of 2002. On March 7, 2007, DHS announced that it will implement portions these compromised personnel regulations that were not explicitly ruled illegal by the courts.

With the abysmal morale and extensive recruitment and retention challenges at DHS, implementing these personnel changes now will only further undermine the agency's employees and mission. From the beginning of discussions over personnel regulations with DHS more than four years ago, it was clear that the only system that would work in this agency is one that is fair, credible and transparent. These regulations promulgated under the statute fail miserably to provide by of those critical elements. It is time to end this flawed personnel experiment Passage of H.R. 1684 will accomplish this.

Also included in this legislation is Section 501, a provision that finally recognizes the Law Enforcement Officer (LEO) status of CBP Officers (CBPOs). Section 501 grants prospective LEO status and benefits to CBPOs as of March 2003. NTEU recognizes

Section 501 as a significant breakthrough in achieving LEO status for those CBPOs on the frontlines protecting our nation's sea, air, and land ports. NTEU members appreciate this significant first step and vows to work with Congress to assure comprehensive coverage of all CBPOs.

NTEU strongly supports H.R. 1684 and urges you to vote to approve the bill this week on the House floor and oppose any amendments that would weaken the above-mentioned provisions.

For more information or if you have any questions, please contact Jean Hutter with the NTEU Legislation Department.

Sincerely,

COLLEEN M. KELLEY,  
*National President.*

I now recognize the gentleman from Texas (Mr. AL GREEN) for 1 minute.

Mr. AL GREEN of Texas. Mr. Chairman, I compliment you for the outstanding job that you have done in bringing this bill to the floor. I also thank the ranking member for the support that has been shown.

Mr. Chairman, this bill contains \$39.8 billion for Homeland Security. It is worthy of noting that this is \$2.1 billion more than the President has requested and that it restores some of the numerous cuts made by the President.

This bill provides accountability. This bill has a strong means by which our homeland will begin to move in the direction of getting the kind of support that it needs to be secure.

I strongly urge my colleagues to support this bill.

Mr. KING of New York. Mr. Chairman, as we leave general debate and begin to debate the amendments, I would again say I commend the gentleman from Mississippi, the chairman, for the bill that was put forth in the committee which came out of the committee.

I am, again, disappointed by the product that came here today. I understand the realities of politics and the realities of governing, but I just wish we could have made more of an effort to move the committee product further along, rather than make the concessions that were made. There are just so many important matters that were either dramatically revised or eliminated, which weakens the thrust of where we're going.

We will be debating amendments for the next several hours. The debate will be in good faith, just as our efforts on the committee are in good faith, but I just wish the leadership of the House would do more to improve and to enhance and to further the position of the Homeland Security Committee so we can do the job that we have been chartered to do and we can do the job the 9/11 Commission wants us to do, to do the job that the 9/11 families want us to do, and do the job that the memory of those who were murdered on 9/11 really command that we do.

With that, Mr. Chairman, I look forward to the upcoming debate. I am disappointed in the product that is before us. Having said that, I remain enthusiastic about the job that we as a com-

mittee can do under the chairmanship of Chairman THOMPSON and with the strong cooperation from the minority on the committee.

Mr. Chairman, with that, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself the balance of the time for closing.

First of all, let me pay tribute to my colleague from New York, Ranking Member KING. We have worked very well on this bill. This is the first time that we have done an authorization bill before an appropriation bill. We are trying to establish jurisdiction for this committee going forward. This is the first Democratic effort in that direction.

Some of us would have preferred a broader bill, but my colleague understands that, given the nature of Congress and the nature of how we do business, sometimes that's not practical.

What I did was brought, through this manager's amendment, which you will see after this debate, a bill that we all have agreement on, even the chairmen of the various communities of jurisdiction. So I am committed, just like the ranking member and most Members in Congress, to support the Department of Homeland Security, to make sure that we defend ourselves against terrorists abroad as well as terrorists at home, to make sure that we respond to disasters regardless of what nature they come in. But in order to do that, we need a robust organization. We need someone with accountability. This bill, H.R. 1684, builds on that.

Mr. Chairman, I urge my colleagues to vote "aye" on H.R. 1684.

Mr. CONYERS. Mr. Speaker, I rise today in support of "H.R. 1684, the Department of Homeland Security Authorization Act of 2008." One of our greatest responsibilities is the protection and security of our citizens and they deserve a vigorous and accountable homeland security policy. H.R. 1684 will now provide just such a policy that will allow us to address the weaknesses that were apparent in the administration's previous attempts at providing Homeland Security.

This legislation, which was developed through bipartisan support, is a proactive step in making our country a much safer place to live, work and play. The bill authorizes \$39.8 billion for the Department of Homeland Security for Fiscal Year 2008—which is \$2.1 billion more than President Bush requested in his budget and funds many much needed programs to keep America safe.

The bill restores funding to the State Homeland Security Grant Program, which supports first responders in their mission to prevent, prepare for and respond to acts of terrorism. This bill also restores the President's 55-percent cut in firefighter assistance grants and restores the elimination of the Local Law Enforcement Terrorism Prevention Program. H.R. 1684 will also provide funding for vital first responder programs and provide resources for a number of other critical homeland security activities that were reduced in the President's budget.

The Department of Homeland Security has been faced with management and oversight

issues since its inception. A July 27, 2006 article by the Washington Post stated that, "The multibillion-dollar surge in Federal contracting to bolster the Nation's domestic defenses in the wake of the Sept. 11, 2001 attacks has been marred by extensive waste and misspent funds, according to a new bipartisan congressional report." This bill will help to refocus and provide the necessary training and resources to help the Agency achieve its goals and address mismanagement issues. H.R. 1684 will require the Department of Homeland Security to consider past performance of a firm before deciding whether to award a new contract. As a part of a contract bid, each firm seeking the contract must submit information regarding its past performance of Federal, State, local, and private sector contracts.

I am committed to ensuring that we are prepared to protect our families, our homes, and our Nation against any and all terrorist threats. So, I am honored to support this legislation.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of the Department of Homeland Security Authorization Act. In 4 years, Congress has not been able to successfully pass an authorization measure into law. Today the Democratic majority is changing paths by making homeland security and appropriate oversight a priority for Congress, and under the leadership of Chairman THOMPSON, we will pass a bill this year. This bill provides us that opportunity, while authorizing an additional \$2.1 billion for the Department. While I applaud many provisions of this bill, I would like to focus on a few key elements that will significantly improve America's security.

As Chairman of the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I am pleased that this bill incorporates legislation I introduced to improve the material threat assessment process under Project BioShield. This language requires the Secretary to effectively group similar threats together in order to move towards a "one drug, many bugs" approach to biosecurity that will allow us to combat multiple threats simultaneously.

H.R. 1684 also establishes a National Biosurveillance Integration Center based on a measure I introduced. Biointelligence and biosurveillance provide the early warning systems necessary to detect the spread of disease, whether natural or intentional. This Center will integrate data from biosurveillance systems with other intelligence to provide a comprehensive and timely picture of existing biological threats.

This legislation also incorporates the SAFETY Reform Act of 2007, a measure I introduced to help ensure that safe and effective anti-terrorism technologies are being deployed by the Department of Homeland Security. The provision will increase personnel trained to apply economic, legal and risk analyses involved in the review of anti-terrorism technologies, which will streamline the application process and encourage participation in this program across all levels of government and the private sector.

Lastly, this bill recognizes the importance of investing more in cybersecurity. We authorize an additional \$50 million for cybersecurity research and development activities at DHS, critical resources to address one of our most pressing and under-funded needs.

I thank Chairman THOMPSON for including these and many other critical provisions. I am

proud that we are well on our way to seeing the first-ever DHS Authorization bill signed into law, and I urge my colleagues to join me in supporting this measure.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise in support of H.R. 1684, the Department of Homeland Security Fiscal Year 2008 Authorization bill.

As the Vice Chair of the Homeland Security Committee I am proud to be an original co-sponsor of this important, bipartisan authorization bill that will provide much needed guidance to and oversight of the Department of Homeland Security, and will be the first DHS Authorization bill voted on by the House.

H.R. 1684 contains many key provisions that will improve the Department's long range planning, accountability, personnel development. It will also provide long-neglected authorization for critical programs at the Department.

This legislation authorizes an Undersecretary for Policy and a Comprehensive Homeland Security Review at the start of each new Presidential Administration.

These provisions will help ensure that the Department is looking beyond the crisis at hand, planning for the future, and keeping its resources aligned with its mission and the National Strategy for Homeland Security.

In addition, I am pleased that this legislation includes a sense of the Congress that the consolidation of the Department's headquarters on the West campus of St. Elizabeth's Hospital should move forward rapidly.

I believe the establishment of this headquarters will have a positive effect on the efficiency, operations, and morale of the Department.

In terms of accountability, H.R. 1684 requires enhanced oversight of large contracts under the Department's Secure Border Initiative.

Personnel development is a major issue for the Department. This legislation authorizes expanded procurement training for acquisition employees; and enhanced incentives for the recruitment and retention of Border Patrol agents.

The bill also addresses several key policy areas. These include requiring the Department to plan for the implementation of the biometric exit component of the US-VISIT program.

This is an essential border security issue that will enable us to know who is in the country, and to better track people overstaying their visas.

In addition this legislation provides five year authorization of the Metropolitan Medical Response System, a critical program to ensure response capabilities for all-hazards mass casualty events.

I urge my colleagues to join me in supporting H.R. 1684, and in working together to have a Homeland Security Authorization bill signed into law this year for the first time ever.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in strong support of H.R. 1684, the Department of Homeland Security Authorization Act of 2008. I would like to commend Chairman THOMPSON and Ranking Member KING for their diligent leadership in bringing this bill to the floor today. I would also like to acknowledge the work of my colleagues on the committee and commend our leadership for the improved dialogue with Secretary Chertoff and other DHS officials.

The Department of Homeland Security's primary mission is to help prevent, protect

against and respond to acts of terrorism on U.S. soil. On March 1, 2003, it united 22 agencies with more than 87,000 different governmental jurisdictions at the Federal, State and local levels having homeland security responsibilities. The agency has been in existence for 4 years and, although it has responded to an unprecedented number of terrorist threats and national emergencies, there remain many managerial, technical, and policy issues that prevent the agency from optimally functioning—and the whole world has witnessed some of these deficiencies.

H.R. 1684 addresses the department's current shortfalls by, among other things, providing for policy, management and integration improvements, oversight improvements, much needed integrity and enhanced accountability in the contracting process, workforce and training improvements, and grants and training to improve emergency response among other provisions. As a physician and Chair of the Congressional Black Caucus Health Braintrust, I am especially supportive of the provisions that will authorize the Chief Medical Officer to serve as the Department's lead authority on matters relating to all aspects of health and creating an Office of Health Affairs to be headed by the CMO. This would give the CMO more autonomy in having oversight and regulating the agency's role in Bioshield—a program that itself has not functioned as envisioned or needed.

I am also very glad to see the increased funding in Customs and Border Protection. Our Nation's borders, including those in my district—the U.S. Virgin Islands, are major points of illegal entry to the United States and renders it vulnerable to terrorist attack. I am pleased to say that U.S. Border Patrol's Ramey Sector has begun detailing Border Patrol Agents to St. Thomas and also plan on detailing Agents to St. Croix. But our goal is to have a border patrol unit and we will work to see that this provision enables us to do that.

Mr. Chairman, H.R. 1684 is the product of numerous hours of oversight hearings to address the many issues that plague DHS. Not only does the bill address management issues but it will restore funding for vital first responder programs and provide resources for a number of critical homeland security activities. Today, we have the opportunity to show our Nation that its security is our priority. I urge my colleagues to support its passage.

Ms. ZOE LOFGREN of California. Mr. Chairman, congratulations to Chairman BENNIE THOMPSON for getting the DHS Authorization bill to the floor for the first time in 2 years.

This authorization bill is the result of countless hours of negotiation and I would like to recognize Chairman THOMPSON and his staff for all their hard work.

H.R. 1684 addresses the difficulties the Department of Homeland Security has faced in contracting, procurement, the morale of employees, management, and oversight.

We cannot continue to sit idly by while the Department which is charged with leading the unified national effort to secure America is not operating effectively.

Again, congratulations to my good friend Chairman THOMPSON on this accomplishment.

Mr. MARKEY. Mr. Chairman, I rise in support of this authorization bill, and I commend Chairman THOMPSON for his hard work in shepherding this important bill to the Floor

today. Today is a monumental moment for the Homeland Security Committee and for this House, as we bring forward an authorization bill to the floor—which our Committee was unable to do during the last Congress.

I am proud that the bill we are considering today to authorize the operations of the Department of Homeland Security for Fiscal Year 2008 includes a vital first responder provision on the Metropolitan Medical Response System—or MMRS. I'd like to thank Chairman THOMPSON for his leadership and also recognize the work of Subcommittee Chair SANCHEZ and Ranking Member KING on this important program.

Despite the Bush administration's repeated efforts to eliminate this unique and effective program, Congress has wisely and consistently appropriated funds for MMRS over the years, providing \$33 million for the program this year. While preservation of the MMRS program is paramount, new duties and responsibilities assigned to MMRS—such as response to an avian flu pandemic—require additional funding. That is why I am pleased that the authorization bill contains funding at the \$63 million level per year for fiscal year 2008 through 2011.

The authorization bill also resolves programmatic problems that MMRS responders have faced as they work to perform their difficult jobs.

Specifically, the bill clarifies that the cap on personnel expenses, which had been set at 15 percent of the grant funding a jurisdiction receives, is lifted. This change will ensure that jurisdictions have the resources—if needed—to hire and retain experienced and talented personnel. The bill we are considering today also makes clear that MMRS jurisdictions should have the authority they need to come to the aid of neighboring jurisdictions in emergencies—even if they are located across State lines—without being impeded by unnecessary bureaucratic restrictions. And the bill directs the Assistant Secretary of Health Affairs to conduct a review of the MMRS program and report to Congress on the several issues that could further strengthen the program, such as whether MMRS would be more effective if it were once again managed through a contractual agreement with the Federal Government rather than through the current process, which requires Federal funding to be passed through State administrative offices before the funds can be released to the MMRS jurisdictions.

Mr. Chairman, as you know, the MMRS program is the only Federal program that helps first responders, medical personnel, emergency management workers, and businesses develop effective, integrated capabilities to minimize casualties in the event of a terrorist attack using a weapon of mass destruction, a natural disaster such as a hurricane, or a public health emergency including an avian flu outbreak.

As demonstrated by the Bush administration's failed response to Hurricane Katrina, our country has a dangerous "Preparedness Gap". Established after the Oklahoma City bombing, the MMRS program is designed to increase our Nation's preparedness capabilities through grants that currently provide funding to 125 jurisdictions in 43 States.

The MMRS program helps local first responder and "first receivers" such as doctors, emergency medical technicians and public health officials buy the specialized equipment

and get the training needed to act in a coordinated fashion that will save lives in the event of a mass casualty event—whether it's a terrorist attack or a natural disaster.

In the post 9/11 era, there can be no doubt that Al Qaeda is willing and capable of launching attacks on the United States. Moreover, the ongoing potential for severe hurricanes and flooding remind us of the urgent need to be prepared to respond in an organized, effective way to all hazards. The MMRS program is an essential part of our preparedness capability.

Our MMRS personnel across the Nation are hometown heroes. But even heroes need help. Thank you, Chairman THOMPSON, for your help and support of this program, and I urge my colleagues to support the authorization bill.

I would also like to note the strong need for this bill's cyber-security improvements. The Subcommittee on Telecommunications and Internet, which I chair, and full Energy and Commerce Committee under the leadership of Chairman DINGELL, have worked on a bipartisan basis, with Ranking Members UPTON and BARTON, to address cyber threats within the Department of Homeland Security in order to ensure that our country is adequately prepared for massive disruptions from cyber attacks.

This measure provides needed guidance to DHS on these Congressional expectations. Moreover, this legislation will require the Assistant Secretary for Cybersecurity and Communications at DHS to collaborate with the Department of Commerce and the Federal Communications Commission—agencies that have established roles in protecting vital telecommunications and cyber assets. Such collaboration will ensure that ongoing efforts will not be interrupted or wastefully duplicated at the Department of Homeland Security. For example, NTIA's organizing statute establishes the head of NTIA as the President's principal adviser on telecommunications issues. In addition, the agency is compelled by the same law to pursue policies to foster national safety and security, to promote efficient use of Federal spectrum, to coordinate Federal telecommunications assistance to State and local governments, and to coordinate the Executive Branch's telecommunications activities, including the formulation of policies and standards for interoperability, security, and emergency readiness and ongoing review of management of the Internet domain name system.

The FCC also protects telecommunications and cybersecurity, and under the Communications Act is responsible for assuring rapid and efficient communication services with adequate facilities for the purpose of the national defense and promotion of the safety of life and property.

I also support amending this important legislation in order to address the pressing need to improve interoperable communications among first responders. This is something that we have been working on for several years. Representatives CARDOZA's expected amendment does not limit interoperability efforts to a single technology or solution. This is vitally important, especially given the history at DHS with grant programs for these efforts. Last year, Congress established a \$1 billion interoperability grant program at the Department of Commerce, distinct from DHS's efforts, so that the Commerce Department could draw upon its

spectrum and telecommunications expertise. In their respective programs, both DHS and the Department of Commerce should include methodologies to better ensure that funds for interoperability are being used effectively. DHS would do well to implement all of the recommendations of the GAO suggested in its recent report. There is a significant amount of work that DHS must perform in order to improve its interoperability efforts and we will be watching such efforts closely.

Mr. LARSON of Connecticut. Mr. Chairman, I regret that I could not be present today because of a family medical situation and I would like to submit this statement for the record in support of H.R. 1684, the Department of Homeland Security Authorization for Fiscal Year 2008.

Since its creation in 2003, the Department of Homeland Security has been one of the most mismanaged departments in the Federal Government. Failing to learn from the severe preparedness gaps exposed by the failed response to Hurricane Katrina, the Administration has proposed deep cuts to vital, core programs that assist local communities in responding to disasters. For example, the Administration requested a 52 percent funding cut for the State Homeland Security Grant Program and no funding for the Metropolitan Medical Response System, MMRS, program—the only Federal program that helps first responders, medical personnel, emergency management workers, business and other stakeholders develop effective, integrated capabilities to minimize casualties in the event of a terrorist attack using a weapon of mass destruction, natural disaster, or public health emergency. Eliminating funding for MMRS would have grave implications for 125 municipal authorities, in 43 States, including Connecticut.

In comparison, the Democratic-led House has put forth a bill that invests in securing the homeland and ensures accountability within the Department of Homeland Security. The bill authorizes \$39.8 billion for the Department of Homeland Security for fiscal year 2008. This funding would provide our local communities with the tools to respond to terrorist attacks and natural disasters and improve the Government's ability to prevent terrorist attacks through greater information sharing. The bill also authorizes \$63 million annually for the MMRS program through fiscal year 2011. Most importantly, the bill includes accountability provisions and provisions to strengthen and streamline management of the Department.

We must remain vigilant in protecting the American people and in preparing to respond to terrorist attacks, major disasters, and other emergencies. I urge my colleagues to join me in supporting the underlying bill.

Mr. HOLT. Mr. Chairman, I urge my colleagues to support this bill. If enacted, it will spur needed improvements in a critical Federal department that is clearly struggling in many areas.

Earlier this year, the Department tried to put the best face on a devastating poll of Federal agencies in which DHS was ranked worst among places to work in the executive branch. Poor morale has led to significant turnover throughout the various agencies that comprise DHS, and inequitable pay scales have contributed to this problem. This bill corrects one of those inequities: the bill strips the Department

of the authority to develop a personnel system different from the traditional GS schedule Federal model. Workers who perform largely the same tasks at DHS that are performed at other agencies should not be paid less for doing the same work. This is a basic issue of fairness, and I'm glad the bill addresses this issue.

I'm also pleased that the bill requires pay parity for Customs and Border Protection employees. Our CBP officers often have some of the most dangerous and thankless jobs in the Federal Government. The fact that in the past they have not been compensated at the same rate as other Federal law enforcement officers is an injustice that this bill remedies. Recruiting and retaining CBP officers who are skilled at managing the complex and sometimes dangerous task of protecting our borders must be a national priority. This provision reaffirms that fact.

This bill also seeks to strengthen and formalize the Department's roles and relationships with State and local fusion centers. If there is one complaint I think every member of Congress receives from their local first responders, it's that information they receive from DHS is either late in getting to them, irrelevant to their needs, or both. I have spoken to DHS's Chief Intelligence Officer, Charlie Allen, about this ongoing problem. He knows there is much more that needs to be done to improve the information sharing process. What is unclear to me is whether the Department's senior leadership recognizes the problem.

What DHS needs—but still lacks—is a common intelligence database that is accessible to State and local law enforcement officials who are cleared to receive such information. Posting more DHS personnel to State and local fusion centers will improve the security of localities in States only if the information being provided through such liaison officers is timely and relevant.

Finally, I am concerned that DHS continues to flounder in its efforts to prioritize its science and technology needs.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ROSS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1684

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Department of Homeland Security Authorization Act for Fiscal Year 2008".*

#### **SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

- Sec. 1. Short title.
- Sec. 2. Table of contents.

#### **TITLE I—AUTHORIZATION OF APPROPRIATIONS**

- Sec. 101. Department of Homeland Security.

#### **TITLE II—POLICY AND MANAGEMENT IMPROVEMENTS**

- Sec. 201. Establishment of Directorate for Policy.

- Sec. 202. Direct line authority for Chief Operating Officers.

- Sec. 203. Comprehensive Homeland Security Review.

- Sec. 204. Qualifications for the Under Secretary for Management.

- Sec. 205. Sense of Congress regarding consolidation of Department headquarters.

- Sec. 206. Required budget line item for office of counternarcotics enforcement.

- Sec. 207. Designation of Office of Counternarcotics Enforcement as primary Department counternarcotics enforcement representative.

- Sec. 208. Granting line authority to the Assistant Secretary for Legislative Affairs.

#### **TITLE III—OVERSIGHT IMPROVEMENTS**

- Sec. 301. Secure border initiative financial accountability.

- Sec. 302. Authorization Liaison Officer.

- Sec. 303. Office of the Inspector General.

- Sec. 304. Congressional notification requirement.

- Sec. 305. Sense of Congress regarding oversight of homeland security.

#### **TITLE IV—PROCUREMENT POLICY AND RESOURCES IMPROVEMENTS**

- Sec. 401. Homeland security procurement training.

- Sec. 402. Authority to appoint and maintain a cadre of Federal annuitants for procurement offices.

- Sec. 403. Additional requirement to review past performance of contractors.

- Sec. 404. Requirement to disclose foreign ownership or control of contractors and subcontractors.

- Sec. 405. Integrity in contracting.

- Sec. 406. Small business utilization report.

- Sec. 407. Requirement that uniforms, protective gear, badges, and identification cards of Homeland Security personnel be manufactured in the United States.

- Sec. 408. Department of Homeland Security Mentor-Protégé Program.

- Sec. 409. Prohibition on award of contracts and grants to educational institutions not supporting Coast Guard efforts.

- Sec. 410. Report on source of shortfalls at Federal Protective Service.

#### **TITLE V—WORKFORCE AND TRAINING IMPROVEMENTS**

- Sec. 501. Customs and Border Protection Officer pay equity.

- Sec. 502. Plan to improve representation of minorities in various categories of employment.

- Sec. 503. Continuation of authority for Federal law enforcement training center to appoint and maintain a cadre of Federal annuitants.

- Sec. 504. Authority to appoint and maintain a cadre of Federal annuitants for Customs and Border Protection.

- Sec. 505. Strengthening Border Patrol recruitment and retention.

- Sec. 506. Limitation on reimbursements relating to certain detailees.

- Sec. 507. Integrity in post-employment.

- Sec. 508. Increased security screening of Homeland Security Officials.

- Sec. 509. Authorities of Chief Security Officer.

- Sec. 510. Departmental culture improvement.

- Sec. 511. Homeland security education program enhancements.

- Sec. 512. Repeal of chapter 97 of title 5, United States Code.

- Sec. 513. Utilization of non-law enforcement Federal employees as instructors for non-law enforcement classes at the Border Patrol Training Academy.

#### **TITLE VI—BIOPREPAREDNESS IMPROVEMENTS**

- Sec. 601. Chief Medical Officer and Office of Health Affairs.

- Sec. 602. Improving the material threats process.

- Sec. 603. Study on national biodefense training.

- Sec. 604. National Biosurveillance Integration Center.

- Sec. 605. Risk analysis process and integrated CBRN risk assessment.

- Sec. 606. National Bio and Agro-defense Facility.

#### **TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS**

- Sec. 701. Cybersecurity and Communications.

- Sec. 702. Cybersecurity research and development.

#### **TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS**

- Sec. 801. Report to Congress on strategic plan.

- Sec. 802. Centers of Excellence Program.

- Sec. 803. National research council study of university programs.

- Sec. 804. Streamlining of SAFETY Act and antiterrorism technology procurement processes.

- Sec. 805. Promoting antiterrorism through International Cooperation Act.

#### **TITLE IX—BORDER SECURITY IMPROVEMENTS**

- Sec. 901. US-VISIT.

- Sec. 902. Shadow Wolves program.

- Sec. 903. Cost-effective training for border patrol agents.

- Sec. 904. Student and Exchange Visitor Program.

- Sec. 905. Assessment of resources necessary to reduce crossing times at land ports of entry.

- Sec. 906. Biometric identification of unauthorized aliens.

- Sec. 907. Report by Government Accountability Office regarding policies and procedures of the Border Patrol.

#### **TITLE X—INFORMATION SHARING IMPROVEMENTS**

- Sec. 1001. State and local fusion center program.

- Sec. 1002. Fusion Center Privacy and Civil Liberties Training Program.

- Sec. 1003. Authority to appoint and maintain a cadre of Federal annuitants for the Office of Information Analysis.

#### **TITLE XI—MISCELLANEOUS PROVISIONS**

- Sec. 1101. Eligible uses for interoperability grants.

- Sec. 1102. Rural homeland security training initiative.

- Sec. 1103. Critical infrastructure study.

- Sec. 1104. Terrorist watch list and immigration status review at high-risk critical infrastructure.

- Sec. 1105. Authorized use of surplus military vehicles.

- Sec. 1106. Computer capabilities to support real-time incident management.

- Sec. 1107. Expenditure reports as a condition of homeland security grants.

- Sec. 1108. Encouraging use of computerized training aids.

- Sec. 1109. Protection of name, initials, insignia, and departmental seal.

- Sec. 1110. Report on United States Secret Service approach to sharing unclassified, law enforcement sensitive information with Federal, State, and local partners.

- Sec. 1111. Report on United States Secret Service James J. Rowley Training Center.

- Sec. 1112. Metropolitan Medical Response System Program.

- Sec. 1113. Identity fraud prevention grant program.

- Sec. 1114. Technical corrections.

- Sec. 1115. Citizen Corps.



Sec. 1116. Report regarding Department of Homeland Security implementation of Comptroller General and Inspector General recommendations regarding protection of agriculture.

Sec. 1117. Report regarding levee system.

Sec. 1118. Report on Force Multiplier Program.

Sec. 1119. Eligibility of State judicial facilities for State homeland security grants.

Sec. 1120. Authorization of Homeland Security Functions of the United States Secret Service.

Sec. 1121. Data sharing.

## TITLE XII—MARITIME ALIEN SMUGGLING

Sec. 1201. Short title.

Sec. 1202. Congressional declaration of findings.

Sec. 1203. Definitions.

Sec. 1204. Maritime alien smuggling.

Sec. 1205. Seizure or forfeiture of property.

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

### SEC. 101. DEPARTMENT OF HOMELAND SECURITY.

There is authorized to be appropriated to the Secretary of Homeland Security for the necessary expenses of the Department of Homeland Security for fiscal year 2008, \$39,863,000,000.

## TITLE II—POLICY AND MANAGEMENT IMPROVEMENTS

### SEC. 201. ESTABLISHMENT OF DIRECTORATE FOR POLICY.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking sections 401 through 403 and inserting the following:

#### “SEC. 401. DIRECTORATE FOR POLICY.

“(a) ESTABLISHMENT.—There is in the Department a Directorate for Policy. The Directorate for Policy shall contain each of the following:

“(1) The Office of the Private Sector, which shall be administered by an Assistant Secretary for the Private Sector.

“(2) The Victim Assistance Officer.

“(3) The Tribal Security Officer.

“(4) The Border Community Liaison Officer.

“(5) Such other offices as considered necessary by the Under Secretary for Policy.

“(b) UNDER SECRETARY FOR POLICY.—

“(1) IN GENERAL.—The head of the Directorate is the Under Secretary for Policy, who shall be appointed by the President, with the advice and consent of the Senate.

“(2) QUALIFICATIONS.—No individual shall be appointed to the position of Under Secretary for Policy under paragraph (1) unless the individual has, by education and experience, demonstrated knowledge, ability, and skill in the fields of policy and strategic planning.

“(3) RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the responsibilities of the Under Secretary for Policy shall be as follows:

“(A) To serve as the principal policy advisor to the Secretary.

“(B) To provide overall direction and supervision of policy development for the programs, offices, and activities of the Department.

“(C) To ensure that the budget of the Department (including the development of future year budgets and interaction with the Office of Management and Budget and with Congress) is compatible with the statutory and regulatory responsibilities of the Department and with the Secretary's priorities, strategic plans, and policies.

“(D) To conduct long-range, strategic planning for the Department, including overseeing the Comprehensive Homeland Security Review established in section 203.

“(E) To carry out such other responsibilities as the Secretary may determine are appropriate.”.

(b) ENSURING CONSIDERATION OF THE NEEDS OF CHILDREN.—

(1) IN GENERAL.—The Under Secretary for Policy of the Department of Homeland Security, acting through the Assistant Secretary for the Office of Policy and Development, shall ensure that all departmental policies, programs, and activities appropriately consider the needs of and impact upon children.

(2) SPECIFIC FUNCTIONS.—The Under Secretary for Policy shall—

(A) coordinate with other Federal Departments and agencies to ensure that the needs of children, schools, and other child-centered facilities are sufficiently understood and incorporated into Federal, State, local, and tribal preparedness, response, and recovery plans and activities for terrorist attacks, major disasters, and other emergencies (including those involving chemical, biological, radiological, nuclear, or other explosive weapons), or other manmade disasters;

(B) coordinate with the Office of Grants within the Federal Emergency Management Agency to monitor the use of homeland security grants by State, local, or tribal agencies to support emergency preparedness activities for children, schools, and other child-centered facilities, and make recommendations to improve the effectiveness of such funding;

(C) review public awareness programs and screening policies by departmental entities, including security screening at airports, and ensure that such policies consider the needs and well-being of children; and

(D) ensure that all other departmental activities that affect children include consideration of the needs of children and that relevant agencies of the Department coordinate on this matter where appropriate.

(3) REPORT TO CONGRESS.—One year after the date of the enactment of this subsection and on an annual basis thereafter, the Under Secretary for Policy shall report to the Committee on Homeland Security of the House of Representatives and to the Committee on Homeland Security and Governmental Affairs of the Senate on activities undertaken pursuant to this subsection and the resulting improvement in security for children, schools, and other child-centered facilities.

(c) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) by striking the heading for title IV and inserting the following:

#### “TITLE IV—DIRECTORATE FOR POLICY”;

(2) by striking the heading for subtitle A of title IV and inserting the following:

#### “Subtitle A—Under Secretary for Policy”;

(3) in section 103(a)(3), by striking “for Border and Transportation Security” and inserting “for Policy”;

(4) in section 102(f)(9), by striking “the Directorate of Border and Transportation Security” and inserting “United States Customs and Border Protection”;

(5) in section 411(a), by striking “under the authority of the Under Secretary for Border and Transportation Security,”;

(6) in section 430—

(A) in subsection (a)—

(i) by striking “The” and inserting “There is in the Department an”;

(ii) by striking “shall be” and all that follows through “Security”;

(B) in subsection (b), by striking the second sentence; and

(C) by striking subsection (d).

(7) in section 441, by striking “Under Secretary for Border and Transportation Security” and inserting “Secretary”;

(8) in section 442(a)—

(A) in paragraph (2), by striking “who—” and all that follows through “(B) shall” and inserting “who shall”;

(B) in paragraph (3)—

(i) in subparagraph (A), by striking “Under Secretary for Border and Transportation Security” each place it appears and inserting “Secretary”;

(ii) in subparagraph (C), by striking “Border and Transportation Security” and inserting “Policy”;

(9) in section 443, by striking “The Under Secretary for Border and Transportation Security” and inserting “Subject to the direction and control of the Secretary, the Deputy Secretary”;

(10) in section 444, by striking “The Under Secretary for Border and Transportation Security” and inserting “Subject to the direction and control of the Secretary, the Deputy Secretary”;

(11) in section 472(e), by striking “or the Under Secretary for Border and Transportation Security”;

(12) in section 878(e), by striking “the Directorate of Border and Transportation Security” and inserting “United States Customs and Border Protection, Immigration and Customs Enforcement”.

(d) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended—

(1) by striking the item relating to title IV and inserting the following:

“TITLE IV—DIRECTORATE FOR POLICY”;

and

(2) by striking the items relating to subtitle A of title IV and inserting the following:

“Subtitle A—Under Secretary for Policy

“Sec. 401. Directorate for Policy.”.

### SEC. 202. DIRECT LINE AUTHORITY FOR CHIEF OPERATING OFFICERS.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

#### “SEC. 707. CHIEF OPERATING OFFICERS.

“(a) IN GENERAL.—The Chief Operating Officers of the Department include the following officials of the Department:

“(1) The Chief Financial Officer.

“(2) The Chief Procurement Officer.

“(3) The Chief Information Officer.

“(4) The Chief Human Capital Officer.

“(5) The Chief Administrative Officer.

“(6) The Chief Security Officer.

“(b) DELEGATION.—The Secretary shall delegate to each Chief Operating Officer direct authority over that Officer's counterparts in component agencies to ensure that the component agencies adhere to the laws, rules, regulations, and departmental policies for which such Officer is responsible for implementing. In coordination with the head of the relevant component agency, such authorities shall include, with respect to the Officer's counterparts within component agencies of the Department, the following:

“(1) The authority to direct the activities of personnel.

“(2) The authority to direct planning, operations, and training.

“(3) The authority to direct the budget and other financial resources.

“(c) COORDINATION WITH HEADS OF COMPONENT AGENCIES.—In reporting to a Chief Operating Officer of the Department as required under subsection (b), a Chief Operating Officer of a component agency shall coordinate with the head of that component agency.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 706 the following:

“Sec. 707. Chief Operating Officers.”.

### SEC. 203. COMPREHENSIVE HOMELAND SECURITY REVIEW.

(a) COMPREHENSIVE HOMELAND SECURITY REVIEW.—Subtitle A of title IV of the Homeland Security Act of 2002 is further amended by adding at the end the following:

#### “SEC. 402. COMPREHENSIVE HOMELAND SECURITY REVIEW.

“(a) REQUIREMENT TO CONDUCT REVIEWS.—The Secretary, acting through the Under Secretary for Policy, shall conduct a comprehensive

examination of the Department, to be known as the Comprehensive Homeland Security Review. The Secretary shall conduct the first such review in fiscal year 2009, and shall conduct a subsequent review in the first fiscal year in which there begins the first presidential term of a new presidential administration.

“(b) **PURPOSE OF REVIEW.**—In each Comprehensive Homeland Security Review, the Secretary shall—

“(1) include a Department of Homeland Security Strategy that is consistent with the most recent National Strategy for Homeland Security prescribed by the President;

“(2) define sufficient personnel and appropriate organizational structure and other requirements necessary for the successful execution of the full range of missions called for in the Department of Homeland Security Strategy; and

“(3) identify a budget plan, acquisition strategy, procurement process, and any other resources, that are necessary to provide sufficient resources for the successful execution of the full range of missions called for in the Department of Homeland Security Strategy.

“(c) **CONDUCT OF REVIEW.**—

“(1) **CONSULTATION REQUIRED.**—The Secretary shall conduct each review required under subsection (a) in consultation with key officials of the Department, including the Assistant Secretary of the Transportation Security Administration, the Commissioner of United States Customs and Border Protection, the Director of United States Citizenship and Immigration Services, the Assistant Secretary for Immigration and Customs Enforcement, the Director of the United States Secret Service, the Administrator of the Federal Emergency Management Agency, the Director of the Federal Law Enforcement Training Center, and the Commandant of the Coast Guard.

“(2) **RELATIONSHIP WITH FUTURE YEARS HOMELAND SECURITY PROGRAM.**—The Secretary shall ensure that each review conducted under this section is consistent with the Future Years Homeland Security Program required under section 874.

“(d) **REPORT TO CONGRESS AND THE PRESIDENT.**—

“(1) **REPORT.**—The Secretary shall submit to the Committee on Homeland Security of the House of Representatives, to the Committee on Homeland Security and Governmental Affairs of the Senate, and to the President a report on each Comprehensive Homeland Security Review. Each such report shall be submitted during the fiscal year following the fiscal year in which the review is conducted, but not later than the date on which the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for the fiscal year following the fiscal year in which the report is to be submitted.

“(2) **CONTENTS.**—Each such report shall include the following, with a focus on reducing and managing risk and in preparing for, mitigating against, responding to, and recovering from terrorist attacks, major disasters, and other emergencies:

“(A) A comprehensive assessment of the level of alignment between the Department of Homeland Security Strategy and the human resources, infrastructure, assets, and organizational structure of the Department.

“(B) An explanation of any and all underlying assumptions used in conducting the Review.

“(C) The human resources requirements and response capabilities of the Department as they relate to the risks of terrorist attacks, major disasters, and other emergencies.

“(D) The strategic and tactical air, border sea, and land capabilities and requirements to support the Department of Homeland Security Strategy.

“(E) The nature and appropriateness of homeland security operational capabilities, including operational scientific and technical resources

and capabilities and the anticipated effects on the human resources capabilities, costs, efficiencies, resources, and planning of the Department of any technology or operational capabilities anticipated to be available during the years subsequent to the Review.

“(F) Any other matter the Secretary considers appropriate to include in the Review.

“(3) **DEADLINE FOR INITIAL REPORT.**—Notwithstanding paragraph (1), the Secretary shall submit the first Report required under subsection (a) not later than September 30, 2010.

“(e) **PREPARATIONS FOR FISCAL YEAR 2008 REVIEW.**—In fiscal year 2008, the Under Secretary for Policy shall make all preparations for the conduct of the first Comprehensive Homeland Security Review in fiscal year 2009, including—

“(1) determining the tasks to be performed;

“(2) estimating the human, financial, and other resources required to perform each task;

“(3) establishing the schedule for the execution of all project tasks;

“(4) ensuring that these resources will be available as needed; and

“(5) all other preparations considered necessary by the Under Secretary.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 401 the following:

“Sec. 402. Comprehensive Homeland Security Review.”.

#### **SEC. 204. QUALIFICATIONS FOR THE UNDER SECRETARY FOR MANAGEMENT.**

(a) **QUALIFICATIONS.**—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

“(c) **QUALIFICATIONS.**—The Under Secretary for Management shall have all of the following qualifications:

“(1) Extensive executive level leadership and management experience in the public or private sector.

“(2) Strong leadership skills.

“(3) A demonstrated ability to manage large and complex organizations.

“(4) A proven record of achieving positive operational results.”.

(b) **DEADLINE FOR APPOINTMENT; INCUMBENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall name an individual who meets the qualifications of section 701 of the Homeland Security Act (6 U.S.C. 341), as amended by subsection (a), to serve as the Under Secretary for Management. The Secretary may submit the name of the individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act together with a statement the informs the Congress that the individual meets the qualifications of such section as so amended.

#### **SEC. 205. SENSE OF CONGRESS REGARDING CONSOLIDATION OF DEPARTMENT HEADQUARTERS.**

(a) **FINDINGS.**—Congress finds that—

(1) the Department of Homeland Security and its component headquarters facilities are currently scattered widely throughout the National Capital Region (NCR);

(2) this geographic dispersal disrupts the Department's ability to operate in an efficient manner, and could impair its ability to prevent, deter, prepare for, and respond to a terrorist attack, major disaster, or other emergencies;

(3) the Government Accountability Office continues to list “Implementing and Transforming the Department of Homeland Security” on its “High Risk list”;

(4) consolidating the Department's headquarters and component facilities, to the greatest extent practicable, would be an important step in facilitating the transformation and integration of the Department; and

(5) the President has provided funding for Department consolidation in the fiscal year 2008

budget, and has determined that the only site under the control of the Federal Government and in the NCR with the size, capacity, and security features to meet the Department of Homeland Security's minimum consolidation needs as identified in the Department of Homeland Security NCR Housing Master Plan submitted to Congress on October 24, 2006, is the West Campus of St. Elizabeths Hospital in the District of Columbia.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the consolidation of the Department and its key component headquarters on the West Campus of St. Elizabeths Hospital, to the maximum extent practicable consistent with the Department's Housing Plan as submitted to Congress in October 2006, should move forward as expeditiously as possible with all the agencies involved in this effort bearing those costs for which they are responsible.

#### **SEC. 206. REQUIRED BUDGET LINE ITEM FOR OFFICE OF COUNTERNARCOTICS ENFORCEMENT.**

In each fiscal year budget request for the Department of Homeland Security, the Secretary of Homeland Security shall include a separate line item for the fiscal year for expenditures by the Office of Counternarcotics Enforcement of the Department of Homeland Security.

#### **SEC. 207. DESIGNATION OF OFFICE OF COUNTERNARCOTICS ENFORCEMENT AS PRIMARY DEPARTMENT COUNTERNARCOTICS ENFORCEMENT REPRESENTATIVE.**

Section 878(d)(5) of the Homeland Security Act of 2002 (6 U.S.C. 458(d)(5)) is amended by striking “to be a representative” and inserting “to be the primary representative”.

#### **SEC. 208. GRANTING LINE AUTHORITY TO THE ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS.**

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is further amended by adding at the end the following:

“(d) **AUTHORITY OF THE ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.**—

“(1) **IN GENERAL.**—The Secretary for the Department shall ensure that the Assistant Secretary for Legislative Affairs has adequate authority over his or her respective counterparts in component agencies of the Department to ensure that such component agencies adhere to the laws, rules, regulations, and departmental policies that the Assistant Secretary for Legislative Affairs is responsible for implementing.

“(2) **INCLUDED AUTHORITIES.**—The authorities of the Assistant Secretary for Legislative Affairs shall include, with respect to the counterparts in component agencies of the Department, the following:

“(A) The authority to direct the activities of personnel responsible for any of the following:

“(i) Making recommendations regarding the hiring, termination, and reassignment of individuals.

“(ii) Developing performance measures.

“(iii) Submitting written performance evaluations during the performance evaluation process that shall be considered in performance reviews, including recommendations for bonuses, pay raises, and promotions.

“(iv) Withholding funds from the relevant component agency that would otherwise be available for a particular purpose until the relevant component agency complies with the directions of the Assistant Secretary for Legislative Affairs or makes substantial progress towards meeting the specified goal.

“(B) The authority to direct planning, operations, and training.

“(C) The authority to direct the budget and other financial resources.”.

**TITLE III—OVERSIGHT IMPROVEMENTS****SEC. 301. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.**

(a) *IN GENERAL.*—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than \$20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) *REPORT BY INSPECTOR GENERAL.*—Upon completion of each review required under subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) *REPORT BY SECRETARY.*—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the findings in such report.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated for the Office of the Inspector General of the Department of Homeland Security to carry out enhanced oversight of the Secure Border Initiative—

(1) for fiscal year 2008, of the amount authorized by section 101 and in addition to the amount authorized by section 303, \$5,500,000;

(2) for fiscal year 2009, at least 6 percent of the overall budget of the Office for that fiscal year; and

(3) for fiscal year 2010, at least 7 percent of the overall budget of the Office for that fiscal year.

(e) *ACTION BY INSPECTOR GENERAL.*—In the event the Inspector General becomes aware of any improper conduct or wrongdoing in accordance with the contract review required under subsection (a), the Inspector General shall, as expeditiously as practicable, refer to the Secretary of Homeland Security or other appropriate official in the Department of Homeland Security information related to such improper conduct or wrongdoing for purposes of evaluating whether to suspend or debar the contractor.

**SEC. 302. AUTHORIZATION LIAISON OFFICER.**

Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342) is amended by adding at the end the following:

“(d) *AUTHORIZATION LIAISON OFFICER.*—

“(1) *IN GENERAL.*—The Chief Financial Officer shall establish the position of Authorization Liaison Officer to provide timely budget and other financial information to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. The Authorization Liaison Officer shall report directly to the Chief Financial Officer.

“(2) *SUBMISSION OF REPORTS TO CONGRESS.*—The Authorization Liaison Officer shall coordinate with the Appropriations Liaison Officer within the Office of the Chief Financial Officer to ensure, to the greatest extent possible, that

all reports prepared for the Committees on Appropriations of the House of Representatives and the Senate are submitted concurrently to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.”.

**SEC. 303. OFFICE OF THE INSPECTOR GENERAL.**

Of the amount authorized by section 101, there is authorized to be appropriated to the Secretary of Homeland Security \$108,500,000 for fiscal year 2008 for operations of the Office of the Inspector General of the Department of Homeland Security.

**SEC. 304. CONGRESSIONAL NOTIFICATION REQUIREMENT.**

(a) *IN GENERAL.*—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following:

**“SEC. 104. CONGRESSIONAL NOTIFICATION.**

“(a) *IN GENERAL.*—The Secretary shall actively consult with the congressional homeland security committees, and shall keep such committees fully and currently informed with respect to all activities and responsibilities within the jurisdictions of these committees.

“(b) *RELATIONSHIP TO OTHER LAW.*—Nothing in this section affects the requirements of section 872. The requirements of this section supplement, and do not replace, the requirements of that section.

“(c) *CLASSIFIED NOTIFICATION.*—The Secretary may submit any information required by this section in classified form if the information is classified pursuant to applicable national security standards.

“(d) *SAVINGS CLAUSE.*—This section shall not be construed to limit or otherwise affect the congressional notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), insofar as they apply to the Department.

“(e) *DEFINITION.*—As used in this section, the term ‘congressional homeland security committees’ means the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.”.

(b) *CONFORMING AMENDMENT.*—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such title the following:

“Sec. 104. Congressional notification.”.

(c) *COAST GUARD MISSION REVIEW REPORT.*—Section 888(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(f)(2)) is amended—

(1) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F) respectively; and

(2) by striking subparagraph (A) and inserting the following:

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Homeland Security of the House of Representatives;”.

**SEC. 305. SENSE OF CONGRESS REGARDING OVERSIGHT OF HOMELAND SECURITY.**

It is the sense of the Congress that the House of Representatives and the Senate should implement the recommendation of the National Commission on Terrorist Attacks Upon the United States to designate a committee in each body to serve as the single, principal point of oversight and review for homeland security and to authorize the activities of the Department of Homeland Security.

**TITLE IV—PROCUREMENT POLICY AND RESOURCES IMPROVEMENTS****SEC. 401. HOMELAND SECURITY PROCUREMENT TRAINING.**

(a) *IN GENERAL.*—Subtitle D of title VIII of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

**“SEC. 836. HOMELAND SECURITY PROCUREMENT TRAINING.**

“(a) *PROVISION OF TRAINING.*—The Chief Procurement Officer shall provide homeland security procurement training to acquisition employees.

“(b) *RESPONSIBILITIES OF CHIEF PROCUREMENT OFFICER.*—The Chief Procurement Officer shall carry out the following responsibilities:

“(1) Establish objectives to achieve the efficient and effective use of available acquisition resources by coordinating the acquisition education and training programs of the Department and tailoring them to support the careers of acquisition employees.

“(2) Develop, in consultation with the Council on Procurement Training established under subsection (d), the curriculum of the homeland security procurement training to be provided.

“(3) Establish, in consultation with the Council on Procurement Training, training standards, requirements, and courses to be required for acquisition employees.

“(4) Establish an appropriate centralized mechanism to control the allocation of resources for conducting such required courses and other training and education.

“(5) Select course providers and certify courses to ensure that the procurement training curriculum supports a coherent framework for the educational development of acquisition employees, including the provision of basic, intermediate, and advanced courses.

“(6) Publish an annual catalog that includes a list of the acquisition education and training courses.

“(7) Develop a system of maintaining records of student enrollment, and other data related to students and courses conducted pursuant to this section.

“(c) *ELIGIBILITY FOR TRAINING.*—An acquisition employee of any entity under subsection (d)(3) may receive training provided under this section. The appropriate member of the Council on Procurement Training may direct such an employee to receive procurement training.

“(d) *COUNCIL ON PROCUREMENT TRAINING.*—

“(1) *ESTABLISHMENT.*—The Secretary shall establish a Council on Procurement Training to advise and make policy and curriculum recommendations to the Chief Procurement Officer.

“(2) *CHAIR OF COUNCIL.*—The chair of the Council on Procurement Training shall be the Deputy Chief Procurement Officer.

“(3) *MEMBERS.*—The members of the Council on Procurement Training are the chief procurement officers of each of the following:

“(A) United States Customs and Border Protection.

“(B) The Transportation Security Administration.

“(C) The Office of Procurement Operations.

“(D) The Bureau of Immigration and Customs Enforcement.

“(E) The Federal Emergency Management Agency.

“(F) The Coast Guard.

“(G) The Federal Law Enforcement Training Center.

“(H) The United States Secret Service.

“(I) Such other entity as the Secretary determines appropriate.

“(e) *ACQUISITION EMPLOYEE DEFINED.*—For purposes of this section, the term ‘acquisition employee’ means an employee serving under a career or career-conditional appointment in the competitive service or appointment of equivalent tenure in the excepted service of the Federal Government, at least 50 percent of whose assigned duties include acquisitions, procurement-related program management, or procurement-related oversight functions.

“(f) *REPORT REQUIRED.*—Not later than March 1 of each year, the Chief Procurement Officer shall submit to the Secretary a report on the procurement training provided under this section, which shall include information about student enrollment, students who enroll but do

not attend courses, graduates, certifications, and other relevant information.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

“Sec. 836. Homeland security procurement training.”.

**SEC. 402. AUTHORITY TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS FOR PROCUREMENT OFFICES.**

(a) DEFINITIONS.—For purposes of this section—

(1) the term “procurement office” means the Office of Procurement Operations and any other procurement office within any agency or other component of the Department;

(2) the term “annuitant” means an annuitant under a Government retirement system;

(3) the term “Government retirement system” has the meaning given such term by section 501(a); and

(4) the term “employee” has the meaning given such term by section 2105 of title 5, United States Code.

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Chief Procurement Officer) may, for the purpose of supporting the Department’s acquisition capabilities and enhancing contract management throughout the Department, appoint annuitants to positions in procurement offices in accordance with succeeding provisions of this section.

(c) NONCOMPETITIVE PROCEDURES; EXEMPTION FROM OFFSET.—An appointment made under subsection (b) shall not be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and any annuitant serving pursuant to such an appointment shall be exempt from sections 8344 and 8468 of such title 5 (relating to annuities and pay on reemployment) and any other similar provision of law under a Government retirement system.

(d) LIMITATIONS.—No appointment under subsection (b) may be made if such appointment would result in the displacement of any employee or would cause the total number of positions filled by annuitants appointed under such subsection to exceed 250 as of any time (determined on a full-time equivalent basis).

(e) RULE OF CONSTRUCTION.—An annuitant as to whom an exemption under subsection (c) is in effect shall not be considered an employee for purposes of any Government retirement system.

(f) TERMINATION.—Upon the expiration of the 5-year period beginning on the date of the enactment of this Act—

(1) any authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

**SEC. 403. ADDITIONAL REQUIREMENT TO REVIEW PAST PERFORMANCE OF CONTRACTORS.**

(a) IN GENERAL.—Such subtitle is further amended by adding at the end the following new section:

**“SEC. 837. REVIEW OF CONTRACTOR PAST PERFORMANCE.”**

“(a) CONSIDERATION OF CONTRACTOR PAST PERFORMANCE.—In awarding a contract to a contractor, the Secretary shall consider the past performance of that contractor based on the review conducted under subsection (b).

“(b) REVIEW REQUIRED.—Before awarding a contract (including a contract that has previously provided goods or services to the Department) a contract to provide goods or services to the Department, the Secretary, acting through the appropriate contracting officer of the Department, shall require the contractor to submit information regarding the contractor’s performance of Federal, State, and local government and private sector contracts.

“(c) CONTACT OF RELEVANT OFFICIALS.—As part of any review of a contractor conducted

under subsection (b), the Secretary, acting through an appropriate contracting officer of the Department, shall contact the relevant official who administered or oversaw each contract performed by that contractor during the five-year period preceding the date on which the review begins.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

“Sec. 837. Review of contractor past performance.”.

**SEC. 404. REQUIREMENT TO DISCLOSE FOREIGN OWNERSHIP OR CONTROL OF CONTRACTORS AND SUBCONTRACTORS.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—With respect to any procurement of goods or services by the Department of Homeland Security, the Chief Procurement Officer of the Department shall conduct an independent review of the procurement to ensure that it complies with all relevant provisions of the Buy American Act (41 U.S.C. 10a et seq.).

(b) FOREIGN OWNERSHIP OR CONTROL OF CONTRACTORS AND SUBCONTRACTORS.—

(1) DISCLOSURE OF INFORMATION.—With respect to any procurement of goods or services by the Department of Homeland Security, the Secretary of Homeland Security shall require an offeror or prospective offeror to disclose whether the offeror or any prospective subcontractor (at any tier) is owned or controlled by a foreign person. The Secretary shall require all offerors, prospective offerors, and contractors to update the disclosure at any time before award of the contract or during performance of the contract, if the information provided becomes incorrect because of a change of ownership, a change in subcontractors, or for any other reason.

(2) FOREIGN OWNERSHIP OR CONTROL.—In this subsection:

(A) The term “owned or controlled by a foreign person”, with respect to an offeror, contractor, or subcontractor, means that a foreign person owns or controls, directly or indirectly, 50 percent or more of the voting stock or other ownership interest in the offeror, contractor, or subcontractor.

(B) The term “foreign person” means any of the following:

- (i) A foreign government.
- (ii) A corporation organized under the laws of a foreign country.
- (iii) An individual who is not a citizen of the United States.

(3) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out this subsection.

**SEC. 405. INTEGRITY IN CONTRACTING.**

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following:

**“SEC. 838. INTEGRITY IN CONTRACTING.”**

“(a) ATTESTATION REQUIRED.—The Secretary shall require any offeror for any contract to provide goods or services to the Department to submit as part of the offeror’s bid for such contract an attestation that affirmatively discloses any substantial role the offeror, the employees of the offeror, or any corporate parent or subsidiary of the offeror may have played in creating a solicitation, request for proposal, statement of work, or statement of objectives (as those terms are defined in the Federal Acquisition Regulation) for the Department.

“(b) ADDITIONAL REQUIREMENTS FOR CERTAIN OFFERORS.—If an offeror submits an attestation under subsection (a) that discloses that the offeror, an employee of the offeror, or any corporate parent or subsidiary of the offeror played a substantial role in creating a solicitation, request for proposal, statement of work, or statement of objectives for the Department, the Secretary shall require the offeror to submit to the

Secretary a description of the safeguards used to ensure that precautions were in place to prevent the offeror from receiving information through such role that could be used to provide the offeror an undue advantage in submitting an offer for a contract.

**“(c) CERTIFICATION REQUIREMENTS.—**

“(1) IN GENERAL.—The Secretary shall require any offeror for any contract to provide goods or services to the Department to submit to the Secretary as part of the offeror’s bid for such contract a certification in writing whether, as of the date on which the certification is submitted, the offeror—

“(A) is in default on any payment of any tax to the Federal Government; or

“(B) owes the Federal Government for any payment of any delinquent tax.

“(2) FAILURE OF CERTIFICATION.—Nothing in this section shall prevent the Department from awarding a contract to an offeror based solely on the offeror’s certification.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 838. Integrity in contracting.”.

**SEC. 406. SMALL BUSINESS UTILIZATION REPORT.**

(a) REPORT.—Not later than 360 days after the date of the enactment of this Act, the Chief Procurement Officer of the Department of Homeland Security shall submit to the Secretary of Homeland Security, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that—

(1) identifies each component of the Department for which the aggregate value of contracts awarded in fiscal year 2006 by the component to qualified HUBZone small business concerns and small business concerns owned and controlled by service-disabled veterans was less than 3 percent of the total value of all contracts awarded under the component for that fiscal year; and

(2) identifies each component of the Department for which the aggregate value of contracts awarded in fiscal year 2006 by the component to socially or economically disadvantaged small business concerns, including 8(a) small business concerns, and small business concerns owned and controlled by women was less than 5 percent of the total value of all contracts awarded by the component for that fiscal year.

**(b) ACTION PLAN.—**

(1) ACTION PLAN REQUIRED.—Not later than 90 days after the date of the submission of the report required under subsection (a), the Chief Procurement Officer, in consultation with Office of Small and Disadvantaged Businesses Utilization of the Department, shall for each component identified under subsection (a)(1) and (a)(2), develop, submit to the Committees referred to in subsection (a), and begin implementing an action plan for achieving the objective described in subsection (b)(2). An action plan is not required if the component meets or exceeds the objective described in subsection (b)(2).

(2) IDENTIFICATION OF BARRIERS.—Each action plan shall identify and describe any barriers to achieving the objectives of awarding by the component, for a fiscal year, contracts having an aggregate value of at least 3 percent of the total value of all contracts awarded by the component for the fiscal year to small business concerns identified under subsection (a)(1) and 5 percent of the total value of all contracts awarded by the component for the fiscal year to small business concerns identified under subsection (a)(2).

(3) PERFORMANCE MEASURES AND TIMETABLE.—Each action plan submitted under paragraph (1) shall include performance measures and a timetable for compliance and achievement of the objectives described in paragraph (2).

(c) PRIORITY CONSIDERATION.—

(1) *IN GENERAL.*—The Chief Procurement Officer may give priority consideration to small business concerns for all open market procurements exceeding the simplified acquisition threshold prior to initiating full and open, or unrestricted, competition.

(2) *ORDER OF PRIORITY.*—In proceeding with priority consideration under paragraph (1), the Chief Procurement Officer shall consider contracting proposals in the following order:

(A) Proposals submitted by 8(a) small business concerns or HUBZone small business concerns; service-disabled veteran owned small business concerns; or women owned small business concerns.

(B) Proposals submitted by other small business concerns.

(C) Proposals submitted under full and open competition.

(3) For purposes of carrying out paragraph (2) with respect to proposals submitted by small business concerns described in the same subparagraph of paragraph (2), the Chief Procurement Officer shall select the appropriate category of concern based on market research, historical data, and progress toward achieving the objective described in subsection (b)(2).

(d) *DEFINITIONS.*—For purposes of this section, the terms “small business concern”, “socially or economically disadvantaged small business concern”, “women owned small business concern”, “small business concern owned and controlled by service-disabled veterans”, “8(a) small business concerns”, and “qualified HUBZone small business concern” have the meanings given such terms under the Small Business Act (15 U.S.C. 631 et seq.).

**SEC. 407. REQUIREMENT THAT UNIFORMS, PROTECTIVE GEAR, BADGES, AND IDENTIFICATION CARDS OF HOMELAND SECURITY PERSONNEL BE MANUFACTURED IN THE UNITED STATES.**

(a) *IN GENERAL.*—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following new section:

**“SEC. 839. REQUIREMENT THAT CERTAIN ARTICLES PROCURED FOR DEPARTMENT PERSONNEL BE MANUFACTURED IN THE UNITED STATES.**

“(a) *REQUIREMENT.*—Except as provided in section (c), funds appropriated or otherwise available to the Department may not be used for the procurement of an article described in section (b) if the item is not manufactured in the United States.

“(b) *COVERED ARTICLES.*—An article referred to in subsection (a) is any of the following articles procured for personnel of the Department:

“(1) Uniforms.

“(2) Protective gear.

“(3) Badges or other insignia indicating the rank, office, or position of personnel.

“(4) Identification cards.

“(c) *AVAILABILITY EXCEPTION.*—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of the article cannot be procured as and when needed at United States market prices. If such a determination is made with respect to an article, the Secretary shall—

“(1) notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate within 7 days after making the determination; and

“(2) include in that notification a certification that manufacturing the article outside the United States does not pose a risk to the national security of the United States, as well as a detailed explanation of the steps any facility outside the United States that is manufacturing the article will be required to take to ensure that the materials, patterns, logos, designs, or any other element used in or for the article are not misappropriated.

“(d) *OTHER EXCEPTIONS.*—Subsection (a) does not apply—

“(1) to acquisitions at or below the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)); and

“(2) to acquisitions outside the United States for use outside of the United States.

“(e) *USE OF DOMESTIC TEXTILES.*—For fiscal year 2008 and each subsequent fiscal year, the Secretary shall take all available steps to ensure that, to the maximum extent practicable, the items described in subsection (b) procured by the Department are manufactured using domestic textiles.

“(f) *RELATIONSHIP TO WAIVER UNDER TRADE AGREEMENTS ACT OF 1979.*—Subsection (a) shall apply notwithstanding any waiver under section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511).”.

(b) *CONFORMING AMENDMENT.*—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding at the end of the items relating to such subtitle the following new item:

“Sec. 839. Requirement that certain articles procured for Department personnel be manufactured in the United States.”.

(c) *APPLICABILITY.*—The amendments made by this section take effect 120 days after the date of the enactment of this Act and apply to any contract entered into on or after that date for the procurement of items to which such amendments apply.

**SEC. 408. DEPARTMENT OF HOMELAND SECURITY MENTOR-PROTEGE PROGRAM.**

(a) *ESTABLISHMENT.*—The Secretary of Homeland Security shall establish within the Department of Homeland Security's Office of Small and Disadvantaged Business Utilization a Mentor-Protégé Program, which shall motivate and encourage prime contractors that are large businesses to provide developmental assistance to small business concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns owned by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(b) *PARTICIPATION BY CONTRACTORS AND OFFERORS.*—The Secretary shall take affirmative steps to publicize and to ensure that Department contractors and offerors are fully aware of and are participating in the Mentor-Protégé Program, including that their efforts to seek and develop a formal Mentor-Protégé relationship will be a factor in the evaluation of bids or offers for Department contracts.

(c) *FACTOR IN EVALUATION OF OFFERS.*—When evaluating the offer of a contractor, the Department of Homeland Security shall consider that offeror's efforts to seek and develop a formal Mentor-Protégé relationship under the Mentor-Protégé Program.

(d) *REVIEW BY INSPECTOR GENERAL.*—The Inspector General of the Department of Homeland Security shall conduct a review of the Mentor-Protégé Program. Such review shall include—

(1) an assessment of the program's effectiveness;

(2) identification of any barriers that restrict contractors from participating in the program;

(3) a comparison of the program with the Department of Defense Mentor-Protégé Program; and

(4) development of recommendations to strengthen the program to include the maximum number of contractors as possible.

**SEC. 409. PROHIBITION ON AWARD OF CONTRACTS AND GRANTS TO EDUCATIONAL INSTITUTIONS NOT SUPPORTING COAST GUARD EFFORTS.**

(a) *PROHIBITION.*—The Secretary of Homeland Security may not award a contract or grant to an institution of higher education (including any subelement of that institution) if that insti-

tution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents, the Commandant of the Coast Guard from gaining access to campuses of the institution, or access to students (who are 17 years of age or older) on such campuses, for purposes of recruiting, in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer.

(b) *INSTITUTION OF HIGHER EDUCATION DEFINED.*—For purposes of this section, the term “institution of higher education” has the meaning provided in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(c) *LIMITATION ON APPLICATION.*—The prohibition in this section shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Homeland Security determines that the institution of higher education has a longstanding policy of pacifism based on historical religious affiliation.

**SEC. 410. REPORT ON SOURCE OF SHORTFALLS AT FEDERAL PROTECTIVE SERVICE.**

The Secretary of Homeland Security may not conduct a reduction in force or furlough of the workforce of the Federal Protective Service until—

(1) the Comptroller General of the United States submits to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the report on the source of shortfalls at the Federal Protective Service that was requested by the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives have conducted hearings on such report.

**TITLE V—WORKFORCE AND TRAINING IMPROVEMENTS**

**SEC. 501. CUSTOMS AND BORDER PROTECTION OFFICER PAY EQUITY.**

(a) *DEFINITIONS.*—For purposes of this section:

(1) The term “Government retirement system” means a retirement system established by law for employees of the Government of the United States.

(2) The term “Customs and Border Protection Officer position” refers to any Customs and Border Protection Officer position—

(A) which is within the Department of Homeland Security, and

(B) the primary duties of which consist of enforcing the border, customs, or agriculture laws of the United States;

such term includes a supervisory or administrative position within the Department of Homeland Security to which an individual transfers directly from a position described in the preceding provisions of this paragraph in which such individual served for at least three years.

(3) The term “law enforcement officer” has the meaning given such term under the Government retirement system involved.

(4) The term “Executive agency” or “agency” has the meaning given under section 105 of title 5, United States Code.

(5) The term “prior qualified service” means service as a Customs and Border Protection Officer within the Department of Homeland Security, since its establishment in March 2003.

(b) *TREATMENT AS A LAW ENFORCEMENT OFFICER.*—In the administration of any Government retirement system, service in a Customs and Border Protection Officer position shall be treated in the same way as service performed in a law enforcement officer position, subject to succeeding provisions of this section.

(c) *APPLICABILITY.*—Subsection (b) shall apply in the case of—

(1) any individual first appointed to a Customs and Border Protection Officer position on or after the date of the enactment of this Act; and

(2) any individual who—

(A) holds a Customs and Border Protection Officer position on the date of the enactment of this Act pursuant to an appointment made before such date; and

(B) who submits to the agency administering the retirement system involved an appropriate election under this section, not later than five years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(d) **INDIVIDUAL CONTRIBUTIONS FOR PRIOR QUALIFIED SERVICE.**—

(1) **IN GENERAL.**—An individual described in subsection (c)(2)(B) may, with respect to prior qualified service performed by such individual, contribute to the Government retirement system by which such individual is covered (for deposit in the appropriate fund within the Treasury) the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if subsection (b) had then been in effect (with interest).

(2) **EFFECT OF NOT CONTRIBUTING.**—If less than the full contribution under paragraph (1) is made, all prior qualified service of the individual shall remain fully creditable as law enforcement officer service, but the resulting annuity (before cost-of-living adjustments) shall be reduced in a manner such that, when combined with the unpaid amount, would result in the present value of the total being actuarially equivalent to the present value of the annuity that would otherwise have been payable if the full contribution had been made.

(e) **GOVERNMENT CONTRIBUTIONS FOR PRIOR QUALIFIED SERVICE.**—

(1) **IN GENERAL.**—If an individual makes an election under subsection (c)(2)(B), the Department of Homeland Security shall remit, with respect to any prior qualified service, the total amount of additional Government contributions that would have been required for such service under the retirement system involved if subsection (b) had then been in effect (with interest).

(2) **CONTRIBUTIONS TO BE MADE RATABLY.**—Government contributions under this subsection on behalf of an individual shall be made ratably (on at least an annual basis) over the ten-year period beginning on the date an individual's retirement deductions begin to be made.

(f) **EXEMPTION FROM MANDATORY SEPARATION.**—Effective during the three-year period beginning on the date of the enactment of this Act, nothing in this section shall result in any individual being involuntarily separated on account of the provisions of any retirement system relating to the mandatory separation of a law enforcement officer on account of age or age and service combined.

(g) **RULE OF CONSTRUCTION.**—Nothing in this section shall be considered to apply in the case of a reemployed annuitant.

(h) **REGULATIONS.**—Any regulations necessary to carry out this section shall be prescribed in consultation with the Secretary of Homeland Security.

#### **SEC. 502. PLAN TO IMPROVE REPRESENTATION OF MINORITIES IN VARIOUS CATEGORIES OF EMPLOYMENT.**

(a) **PLAN FOR IMPROVING REPRESENTATION OF MINORITIES.**—Not later than 90 days after the date of the enactment of this Act, the Chief Human Capital Officer of the Department of Homeland Security shall prepare and transmit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Comptroller General of the United States a plan to achieve the objective of addressing any under representation of minorities in the various categories of civil service em-

ployment within such Department. Such plan shall identify and describe any barriers to achieving the objective described in the preceding sentence and the strategies and measures included in the plan to overcome them.

(b) **ASSESSMENTS.**—Not later than 1 year after receiving the plan, the Comptroller General of the United States shall assess—

(1) any programs and other measures currently being implemented to achieve the objective described in the first sentence of subsection (a); and

(2) the likelihood that the plan will allow the Department to achieve such objective.

(c) **DEFINITIONS.**—For purposes of this section—

(1) the term “under representation” means when the members of a minority group within a category of Federal civil service employment constitute a lower percentage of the total number of employees within the employment category than the percentage that the minority constitutes within the labor force of the Federal Government, according to statistics issued by the Office of Personnel Management;

(2) the term “minority groups” or “minorities” means—

(A) racial and ethnic minorities;

(B) women; and

(C) individuals with disabilities; and

(3) the term “category of civil service employment” means—

(A) each pay grade, pay band, or other classification of every pay schedule and all other levels of pay applicable to the Department of Homeland Security; and

(B) such occupational, professional, or other groupings (including occupational series) as the Chief Human Capital Officer of the Department of Homeland Security may specify, in the plan described in subsection (a), in order to carry out the purposes of this section.

#### **SEC. 503. CONTINUATION OF AUTHORITY FOR FEDERAL LAW ENFORCEMENT TRAINING CENTER TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS.**

Section 1202(a) of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (42 U.S.C. 3771 note) is amended in the first sentence by striking “December 31, 2007” and inserting “December 31, 2008”.

#### **SEC. 504. AUTHORITY TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS FOR CUSTOMS AND BORDER PROTECTION.**

(a) **DEFINITIONS.**—For purposes of this section—

(1) the term “CBP” means the United States Customs and Border Protection;

(2) the term “annuitant” means an annuitant under a Government retirement system;

(3) the term “Government retirement system” has the meaning given such term by section 501(a); and

(4) the term “employee” has the meaning given such term by section 2105 of title 5, United States Code.

(b) **APPOINTMENT AUTHORITY.**—The Secretary (acting through the Commissioner of the United States Customs and Border Protection) may, for the purpose of accelerating the ability of the CBP to secure the borders of the United States, appoint annuitants to positions in the CBP in accordance with succeeding provisions of this section.

(c) **NONCOMPETITIVE PROCEDURES; EXEMPTION FROM OFFSET.**—An appointment made under subsection (b) shall not be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and any annuitant serving pursuant to such an appointment shall be exempt from sections 8344 and 8468 of such title 5 (relating to annuities and pay on reemployment) and any other similar provision of law under a Government retirement system.

(d) **LIMITATIONS.**—No appointment under subsection (b) may be made if such appointment would result in the displacement of any employee or would cause the total number of positions filled by annuitants appointed under such subsection to exceed 500 as of any time (determined on a full-time equivalent basis).

(e) **RULE OF CONSTRUCTION.**—An annuitant as to whom an exemption under subsection (c) is in effect shall not be considered an employee for purposes of any Government retirement system.

(f) **TERMINATION.**—Upon the expiration of the 5-year period beginning on the date of the enactment of this Act—

(1) any authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

#### **SEC. 505. STRENGTHENING BORDER PATROL RECRUITMENT AND RETENTION.**

(a) **IN GENERAL.**—In order to address the recruitment and retention challenges faced by United States Customs and Border Protection, the Secretary of Homeland Security shall establish a plan, consistent with existing Federal statutes applicable to pay, recruitment, relocation, and retention of Federal law enforcement officers. Such plan shall include the following components:

(1) The establishment of a recruitment incentive for Border Patrol agents, including the establishment of a foreign language incentive award.

(2) The establishment of a retention plan, including the payment of bonuses to Border Patrol agents for every year of service after the first two years of service.

(3) An increase in the pay percentage differentials to Border Patrol agents in certain high-cost areas, as determined by the Secretary, consistent with entry-level pay to other Federal, State, and local law enforcement agencies.

(4) The establishment of a mechanism whereby Border Patrol agents can transfer from one location to another after the first two years of service in their initial duty location.

(5) The establishment of quarterly goals for the recruitment of new Border Patrol agents, including goals for the number of recruits entering Border Patrol training, and the number of recruits who successfully complete such training and become Border Patrol agents.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than the first calendar quarter after the date of the enactment of this Act and every calendar quarter thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report identifying whether the quarterly goals for the recruitment of new Border Patrol agents established under subsection (a)(5) were met, and an update on the status of recruitment efforts and attrition rates among Border Patrol agents.

(2) **CONTENTS OF REPORT.**—The report required under paragraph (1) shall contain, at a minimum, the following with respect to each calendar quarter:

(A) The number of recruits who enter Border Patrol training.

(B) The number of recruits who successfully complete such training and become Border Patrol agents.

(C) The number of Border Patrol agents who are lost to attrition.

#### **SEC. 506. LIMITATION ON REIMBURSEMENTS RELATING TO CERTAIN DETAILEES.**

In the case of an individual assigned to the Department of Homeland Security as a detailee under an arrangement described in subchapter VI of chapter 33 of title 5, United States Code, the maximum reimbursement by the Department of Homeland Security which may be made under section 3374(c) of such title with respect to such individual for the period of the assignment (including for any employee benefits) may not exceed the total amount of basic pay that would



have been payable for such period if such individual had been paid, at the highest rate allowable under section 5382 of such title, as a member of the Senior Executive Service.

**SEC. 507. INTEGRITY IN POST-EMPLOYMENT.**

(a) DESIGNATIONS AS SEPARATE AGENCIES AND BUREAUS BARRED.—No agency, bureau, or other entity of the Department of Homeland Security may be designated under section 207(h)(1) of title 18, United States Code, as a separate agency or bureau.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section takes effect on the later of—

(A) June 6, 2007; or

(B) the date of the enactment of this Act.

(2) APPLICABILITY TO DESIGNATIONS.—The following shall cease to be effective on the date this section takes effect under paragraph (1):

(A) Any waiver of restrictions made under section 207(c)(2)(C) of title 18, United States Code, before the enactment of this Act, with respect to any position, or category of positions, in the Department of Homeland Security.

(B) Any designation of an agency, bureau, or other entity in the Department of Homeland Security, before the enactment of this Act, under section 207(h)(1) of title 18, United States Code, as a separate agency or bureau.

**SEC. 508. INCREASED SECURITY SCREENING OF HOMELAND SECURITY OFFICIALS.**

(a) REVIEW REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall conduct a Department-wide review of the Department of Homeland Security security clearance and suitability review procedures for Department employees and contractors, as well as individuals in State and local government agencies and private sector entities with a need to receive classified information.

(b) STRENGTHENING OF SECURITY SCREENING POLICIES.—

(1) IN GENERAL.—Based on the findings of the review conducted under subsection (a), the Secretary shall, as appropriate, take all necessary steps to strengthen the Department's security screening policies, including consolidating the security clearance investigative authority at the headquarters of the Department.

(2) ELEMENTS.—In strengthening security screening policies under paragraph (1), the Secretary shall consider whether and where appropriate ensure that—

(A) all components of the Department of Homeland Security meet or exceed Federal and Departmental standards for security clearance investigations, adjudications, and suitability reviews;

(B) the Department has a cadre of well-trained adjudicators and the Department has in place a program to train and oversee adjudicators; and

(C) suitability reviews are conducted for all Department of Homeland Security employees who transfer from a component of the Department to the headquarters of the Department.

**SEC. 509. AUTHORITIES OF CHIEF SECURITY OFFICER.**

(a) ESTABLISHMENT.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is further amended by adding at the end the following:

**“SEC. 708. CHIEF SECURITY OFFICER.**

“(a) ESTABLISHMENT.—There is in the Department a Chief Security Officer.

“(b) RESPONSIBILITIES.—The Chief Security Officer shall—

“(1) have responsibility for personnel security, facility access, security awareness, and related training;

“(2) ensure that each component of the Department complies with Federal standards for security clearances and background investigations;

“(3) ensure, to the greatest extent practicable, that individuals in State and local government

agencies and private sector entities with a need to receive classified information, receive the appropriate clearances in a timely fashion; and

“(4) perform all other functions as determined by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such title the following new item:

“Sec. 708. Chief Security Officer.”.

**SEC. 510. DEPARTMENTAL CULTURE IMPROVEMENT.**

(a) CONSIDERATION REQUIRED.—The Secretary of Homeland Security, acting through the Chief Human Capital Officer, shall consider implementing recommendations set forth in the Homeland Security Advisory Council Culture Task Force Report of January 2007.

(b) IDENTIFICATION OF TERMS.—As part of this consideration, the Secretary, acting through the Chief Human Capital Officer, shall identify an appropriate term, as among “workforce”, “personnel”, and “employee”, to replace “human capital” and integrate its use throughout the operations, policies, and programs of the Department of Homeland Security.

**SEC. 511. HOMELAND SECURITY EDUCATION PROGRAM ENHANCEMENTS.**

Section 845(b) of the Homeland Security Act of 2002 (6 U.S.C. 415(b)) is amended to read as follows:

“(b) LEVERAGING OF EXISTING RESOURCES.—To maximize efficiency and effectiveness in carrying out the Program, the Administrator shall use curricula modeled on existing Department-reviewed Master's Degree curricula in homeland security, including curricula pending accreditation, together with associated learning materials, quality assessment tools, digital libraries, asynchronous distance learning, video conferencing, exercise systems, and other educational facilities, including the National Domestic Preparedness Consortium, the National Fire Academy, and the Emergency Management Institute. The Administrator may develop additional educational programs, as appropriate.”.

**SEC. 512. REPEAL OF CHAPTER 97 OF TITLE 5, UNITED STATES CODE.**

(a) REPEAL.—

(1) IN GENERAL.—Effective as of the date specified in section 4 of the Homeland Security Act of 2002 (6 U.S.C. 101 note), chapter 97 of title 5, United States Code (as added by section 841(a)(2) of such Act), section 841(b)(3) of such Act, and subsections (c) and (e) of section 842 of such Act are repealed.

(2) REGULATIONS.—Any regulations prescribed under authority of chapter 97 of title 5, United States Code, are void ab initio.

(b) CLERICAL AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by striking the item relating to chapter 97.

**SEC. 513. UTILIZATION OF NON-LAW ENFORCEMENT FEDERAL EMPLOYEES AS INSTRUCTORS FOR NON-LAW ENFORCEMENT CLASSES AT THE BORDER PATROL TRAINING ACADEMY.**

The Director of the Federal Law Enforcement Training Center (FLETC) of the Department of Homeland Security, in consultation with the Chief of the Border Patrol, is authorized to select appropriate employees of the Federal Government other than law enforcement officers (as defined in section 8401(17) of title 5, United States Code) to serve as instructors of non-law enforcement classes.

**TITLE VI—BIOPREPAREDNESS IMPROVEMENTS**

**SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH AFFAIRS.**

Section 516 of the Homeland Security Act of 2002 (6 U.S.C. 321e) is amended to read as follows:

**“SEC. 516. CHIEF MEDICAL OFFICER.**

“(a) IN GENERAL.—There is in the Department a Chief Medical Officer, who shall be appointed

by the President, by and with the advice and consent of the Senate, and shall have the rank and title of Assistant Secretary for Health Affairs and Chief Medical Officer (in this section referred to as the ‘Chief Medical Officer’).

“(b) OFFICE OF HEALTH AFFAIRS.—There is in the Department an Office of Health Affairs, which shall be headed by the Chief Medical Officer.

“(c) QUALIFICATIONS.—The individual appointed as the Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine, public health, and the treatment of illnesses caused by chemical, biological, nuclear, and radiological agents.

“(d) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical and health issues related to the general roles, responsibilities, and operations of the Department, and terrorist attacks, major disasters, and other emergencies, including—

“(1) serving as the principal advisor to the Secretary and leading the Department's medical care, public health, food, water, veterinary care, and agro-security and defense responsibilities;

“(2) providing oversight for all medically-related actions and protocols of the Department's medical personnel;

“(3) administering the Department's responsibilities for medical readiness, including—

“(A) planning and guidance to support improvements in local training, equipment, and exercises funded by the Department; and

“(B) consistent with the National Response Plan established pursuant to Homeland Security Presidential Directive 8, assisting in fulfilling the Department's roles in related emergency support functions;

“(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments and agencies, on all matters of medical and public health to ensure coordination consistent with the National Response Plan;

“(5) serving as the Department's primary point of contact for State, local, tribal, and territorial governments, the medical community, and the private sector, to ensure that medical readiness and response activities are coordinated and consistent with the National Response Plan and the Secretary's incident management requirements;

“(6) managing the Department's biodefense and biosurveillance activities including the National Biosurveillance Integration System, and the Departments responsibilities under Project BioShield in coordination with the Under Secretary of Science and Technology as appropriate;

“(7) assuring that the Department's workforce has science-based policy, standards, requirements, and metrics for occupational safety and health;

“(8) supporting the operational requirements of the Department's components with respect to protective medicine and tactical medical support;

“(9) developing, in coordination with appropriate Department entities and other appropriate Federal agencies, end-to-end plans for prevention, readiness, protection, response, and recovery from catastrophic events with human, animal, agricultural, or environmental health consequences;

“(10) integrating into the end-to-end plans developed under paragraph (9), Department of Health and Human Services' efforts to identify and deploy medical assets (including human, fixed, and material assets) used in preparation for or response to national disasters and catastrophes, and to enable access to patient electronic medical records by medical personnel to aid treatment of displaced persons in such circumstance, in order to assure that actions of

both Departments are combined for maximum effectiveness during an emergency consistent with the National Response Plan and applicable emergency support functions;

“(11) performing other duties relating to such responsibilities as the Secretary may require; and

“(12) directing and maintaining a coordinated system for medical support of the Department's operational activities.”.

#### **SEC. 602. IMPROVING THE MATERIAL THREATS PROCESS.**

(a) *IN GENERAL.*—Section 319F-2(c)(2)(A) of the Public Health Service Act (42 U.S.C. 247d-6b(c)(2)(A)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by moving each of such subclauses two ems to the right;

(3) by striking “(A) MATERIAL THREAT.—The Homeland Security Secretary” and inserting the following:

“(A) MATERIAL THREAT.—

“(i) *IN GENERAL.*—The Secretary of Homeland Security”; and

(4) by adding at the end the following clauses:

“(ii) *USE OF EXISTING RISK ASSESSMENTS.*—For the purpose of satisfying the requirements of clause (i) as expeditiously as possible, the Secretary of Homeland Security shall, as practicable, utilize existing risk assessments that the Secretary of Homeland Security, in consultation with the Secretaries of Health and Human Services, Defense, and Agriculture, and the heads of other appropriate Federal agencies, considers credible.

“(iii) *ORDER OF ASSESSMENTS.*—

“(I) *GROUPINGS TO FACILITATE ASSESSMENT OF COUNTERMEASURES.*—In conducting threat assessments and determinations under clause (i) of chemical, biological, radiological, and nuclear agents, the Secretary of Homeland Security shall, to the extent practicable and appropriate, consider the completion of such assessments and determinations for groups of agents toward the goal of facilitating the assessment of countermeasures under paragraph (3) by the Secretary of Health and Human Services.

“(II) *CATEGORIES OF COUNTERMEASURES.*—The grouping of agents under subclause (I) by the Secretary of Homeland Security shall be designed to facilitate assessments under paragraph (3) by the Secretary of Health and Human Services regarding the following two categories of countermeasures:

“(aa) Countermeasures that may address more than one agent identified under clause (i)(II).

“(bb) Countermeasures that may address adverse health consequences that are common to exposure to different agents.

“(III) *RULE OF CONSTRUCTION.*—A particular grouping of agents pursuant to subclause (II) is not required under such subclause to facilitate assessments of both categories of countermeasures described in such subclause. A grouping may concern one category and not the other.

“(iv) *DEADLINE FOR COMPLETION OF CERTAIN MATERIAL THREAT DETERMINATIONS.*—With respect to chemical, biological, radiological, and nuclear agents known to the Secretary of Homeland Security as of the day before the date of the enactment of this clause, and which such Secretary considers to be capable of significantly affecting national security, such Secretary shall complete the determinations under clause (i)(II) not later than December 31, 2007.

“(v) *REPORT TO CONGRESS.*—Not later than 30 days after the date on which the Secretary of Homeland Security completes a material threat assessment under clause (i), the Secretary shall submit to Congress a report containing the results of such assessment.

“(vi) *DEFINITION.*—For purposes of this subparagraph, the term ‘risk assessment’ means a scientific, technically-based analysis of agents that incorporates threat, vulnerability, and consequence information.”.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—Section 521(d) of the Homeland Security Act of 2002 (6 U.S.C. 321j(d)) is amended—

(1) in paragraph (1), by striking “2006,” and inserting “2009,”; and

(2) by adding at the end the following:

“(3) *ADDITIONAL AUTHORIZATION OF APPROPRIATIONS REGARDING CERTAIN THREAT ASSESSMENTS.*—For the purpose of providing an additional amount to the Secretary to assist the Secretary in meeting the requirements of clause (iv) of section 319F-2(c)(2)(A) of the Public Health Service Act (relating to time frames), there are authorized to be appropriated such sums as may be necessary for fiscal year 2008, in addition to the authorization of appropriations established in paragraph (1). The purposes for which such additional amount may be expended include conducting risk assessments regarding clause (i)(II) of such section when there are no existing risk assessments that the Secretary considers credible.”.

#### **SEC. 603. STUDY ON NATIONAL BIODEFENSE TRAINING.**

(a) *STUDY REQUIRED.*—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Secretary for Health and Human Services, conduct a joint study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) *ELEMENTS.*—In conducting the study, the Secretaries shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4, including the number trained in Good Laboratory Practices (GLP).

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, safety and security personnel (including biosafety, physical security, and cybersecurity personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the planned biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) *REPORT.*—Not later than December 31, 2007, the Secretaries shall submit to Congress a report setting forth the results of the study conducted under this section.

#### **SEC. 604. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.**

(a) *IN GENERAL.*—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

##### **“SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.**

“(a) *ESTABLISHMENT.*—The Secretary shall establish a National Biosurveillance Integration Center (referred to in this section as the ‘NBIC’) to enhance the capability of the Federal Government to rapidly identify, characterize, and localize a biological event by integrating and analyzing data related to human health, animals, plants, food, and the environment. The NBIC shall be headed by a Director.

“(b) *INTEGRATED BIOSURVEILLANCE NETWORK.*—As part of the NBIC, the Director shall

develop, operate, and maintain an integrated network to detect, as early as possible, a biological event that presents a risk to the United States or the infrastructure or key assets of the United States. The network shall—

“(1) consolidate data from all relevant surveillance systems maintained by the Department and other governmental and private sources, both foreign and domestic, to the extent practicable; and

“(2) use an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events in as close to real-time as possible.

“(c) *RESPONSIBILITIES.*—

“(1) *IN GENERAL.*—The Director shall—

“(A) monitor on an ongoing basis the availability and appropriateness of candidate data feeds and solicit new surveillance systems with data that would enhance biological situational awareness or overall performance of the NBIC;

“(B) review and seek to improve on an ongoing basis the statistical and other analytical methods used by the NBIC;

“(C) establish a procedure to enable Federal, State and local government, and private sector entities to report suspicious events that could warrant further assessments by the NBIC;

“(D) receive and consider all relevant homeland security information; and

“(E) provide technical assistance, as appropriate, to all Federal, State, and local government entities and private sector entities that contribute data relevant to the operation of the NBIC.

“(2) *ASSESSMENTS.*—The Director shall—

“(A) continuously evaluate available data for evidence of a biological event; and

“(B) integrate homeland security information with NBIC data to provide overall biological situational awareness and determine whether a biological event has occurred.

“(3) *INFORMATION SHARING.*—The Director shall—

“(A) establish a mechanism for real-time communication with the National Operations Center;

“(B) provide integrated information to the heads of the departments and agencies with which the Director has entered into an agreement under subsection (d);

“(C) notify the Secretary, the head of the National Operations Center, and the heads of appropriate Federal, State, tribal, and local entities of any significant biological event identified by the NBIC;

“(D) provide reports on NBIC assessments to Federal, State, and local government entities, including departments and agencies with which the Director has entered into an agreement under subsection (d), and any private sector entities, as considered appropriate by the Director; and

“(E) use information sharing networks available to the Department for distributing NBIC incident or situational awareness reports.

“(d) *INTERAGENCY AGREEMENTS.*—

“(1) *IN GENERAL.*—The Secretary shall, where feasible, enter into agreements with the heads of appropriate Federal departments and agencies, including the Department of Health and Human Services, Department of Defense, the Department of Agriculture, the Department of State, the Department of Interior, and the Intelligence Community.

“(2) *CONTENT OF AGREEMENTS.*—Under an agreement entered into under paragraph (1), the head of a Federal department or agency shall agree to—

“(A) use the best efforts of the department or agency to integrate biosurveillance information capabilities through NBIC;

“(B) provide timely, evaluated information to assist the NBIC in maintaining biological situational awareness for timely and accurate detection and response purposes;

“(C) provide connectivity for the biosurveillance data systems of the department or agency

to the NBIC network under mutually agreed protocols;

“(D) detail, if practicable, to the NBIC department or agency personnel with relevant expertise in human, animal, plant, food, or environmental disease analysis and interpretation;

“(E) retain responsibility for the surveillance and intelligence systems of that department or agency, if applicable; and

“(F) participate in forming the strategy and policy for the operation and information sharing practices of the NBIC.

“(e) NOTIFICATION OF DIRECTOR.—The Secretary shall ensure that the Director is notified of homeland security information relating to any significant biological threat and receives all classified and unclassified reports related to such a threat in a timely manner.

“(f) ADMINISTRATIVE AUTHORITIES.—

“(1) PRIVACY.—The Secretary shall—

“(A) designate the NBIC as a public health authority;

“(B) ensure that the NBIC complies with any applicable requirements of the Health Insurance Portability and Accountability Act of 1996; and

“(C) ensure that all applicable privacy regulations are strictly adhered to in the operation of the NBIC and the sharing of any information related to the NBIC.

“(2) COLLECTION OF INFORMATION.—The NBIC, as a public health authority with a public health mission, is authorized to collect or receive health information, including such information protected under the Health Insurance Portability and Accountability Act of 1996, for the purpose of preventing or controlling disease, injury, or disability.

“(g) NBIC INTERAGENCY WORKING GROUP.—The Director shall—

“(1) establish an interagency working group to facilitate interagency cooperation to advise the Director on recommendations to enhance the biosurveillance capabilities of the Department; and

“(2) invite officials of Federal agencies that conduct biosurveillance programs, including officials of the departments and agencies with which the Secretary has entered into an agreement under subsection (d), to participate in the working group.

“(h) ANNUAL REPORT REQUIRED.—Not later than December 31 of each year, the Secretary shall submit to Congress a report that contains each of the following:

“(1) A list of departments, agencies, and private or nonprofit entities participating in the NBIC and a description of the data that each entity has contributed to the NBIC during the preceding fiscal year.

“(2) The schedule for obtaining access to any relevant biosurveillance information not received by the NBIC as of the date on which the report is submitted.

“(3) A list of Federal, State, and local government entities and private sector entities that have direct or indirect access to the information that is integrated by the NBIC.

“(4) For any year before the NBIC is fully implemented or any year in which any major structural or institutional change is made to the NBIC, an implementation plan for the NBIC that includes cost, schedule, key milestones, and the status of such milestones.

“(i) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Secretary under this section shall not affect an authority or responsibility of any other Federal department or agency with respect to biosurveillance activities under any program administered by that department or agency.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.

“(k) BIOLOGICAL EVENT.—For purposes of this section, the term ‘biological event’ means—

“(1) an act of terrorism involving biological agents or toxins of known or unknown origin; or

“(2) a naturally occurring outbreak of an infectious disease that may be of potential national significance.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such title the following:

“Sec. 316. National Biosurveillance Integration Center.”.

(c) DEADLINE FOR IMPLEMENTATION.—The National Biosurveillance Integration Center required under section 316 of the Homeland Security Act of 2002, as added by subsection (a), shall be fully operational by not later than September 30, 2008.

#### SEC. 605. RISK ANALYSIS PROCESS AND INTEGRATED CBRN RISK ASSESSMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is further amended by adding at the end the following:

##### “SEC. 317. RISK ANALYSIS PROCESS AND INTEGRATED CBRN RISK ASSESSMENT.

“(a) RISK ANALYSIS PROCESS.—The Secretary shall develop a risk analysis process that utilizes a scientific, quantitative methodology to assess and manage risks posed by chemical, biological, radiological, and nuclear (CBRN) agents.

“(b) INTEGRATED CBRN RISK ASSESSMENT.—The Secretary shall use the process developed under subsection (a) to conduct a risk assessment that shall support the integration of chemical, biological, radiological, and nuclear agents.

“(c) PURPOSE.—The purpose of the risk analysis process developed under subsection (a) and the integrated risk assessment conducted under subsection (b) shall be to identify high risk agents, determine how best to mitigate those risks, and guide resource allocation. Such risk analysis shall—

“(1) facilitate satisfaction of the requirements of section 602;

“(2) guide research, development, acquisition, and deployment of applicable countermeasures, including detection systems;

“(3) identify key knowledge gaps or vulnerabilities in the CBRN defense posture of the Department;

“(4) enable rebalancing and refining of investments within individual classes of threat agents as well as across such classes; and

“(5) support end-to-end assessments of the overall CBRN defense policy of the Department, taking into account the full spectrum of countermeasures available, including prevention, preparedness, planning, response and recovery activities, to better steer investments to strategies with the greatest potential for mitigating identified risks.

“(d) RISK INFORMATION.—

“(1) CLASSES OF THREAT AGENTS.—In developing the risk analysis process under subsection (a) and conducting the risk assessment under subsection (b), the Secretary shall consider risks posed by the following classes of threats:

“(A) Chemical threats, including—

“(i) toxic industrial materials and chemicals;

“(ii) traditional chemical warfare agents; and

“(iii) non-traditional agents, which are defined as novel chemical threat agents or toxicants requiring adapted countermeasures.

“(B) Biological threats, including—

“(i) traditional agents listed by the Centers of Disease Control and Prevention as Category A, B, and C pathogens and toxins;

“(ii) enhanced agents, which are defined as traditional agents that have been modified or selected to enhance their ability to harm human populations or circumvent current countermeasures;

“(iii) emerging agents, which are defined as previously unrecognized pathogens that may be naturally occurring and present a serious risk to human populations; and

“(iv) advanced or engineered agents, which are defined as novel pathogens or other mate-

rials of biological nature that have been artificially engineered in the laboratory to bypass traditional countermeasures or produce a more severe or otherwise enhanced spectrum of disease.

“(C) Nuclear and radiological threats, including fissile and other radiological material that could be incorporated into an improvised nuclear device or a radiological dispersal device or released into a wide geographic area by damage to a nuclear reactor.

“(D) Threats to the agriculture sector and food and water supplies.

“(E) Other threat agents the Secretary determines appropriate.

“(2) SOURCES.—The risk analysis process developed under subsection (a) shall be informed by findings of the intelligence and law enforcement communities and integrated with expert input from the scientific, medical, and public health communities, including from relevant components of the Department and other Federal agencies.

“(3) DATA QUALITY, SPECIFICITY, AND CONFIDENCE.—In developing the risk analysis process under subsection (a), the Secretary shall consider the degree of uncertainty and variability in the available scientific information and other information about the classes of threat agents under paragraph (1). An external review shall be conducted to assess the ability of the risk analysis process developed by the Secretary to address areas of large degrees of uncertainty.

“(4) NEW INFORMATION.—The Secretary shall frequently and systematically update the risk assessment conducted under subsection (b), as needed, to incorporate emerging intelligence information or technological changes in order to keep pace with evolving threats and rapid scientific advances.

“(e) METHODOLOGY.—The risk analysis process developed by the Secretary under subsection (a) shall—

“(1) consider, as variables—

“(A) threat, or the likelihood that a type of attack that might be attempted;

“(B) vulnerability, or the likelihood that an attacker would succeed; and

“(C) consequence, or the likely impact of an attack;

“(2) evaluate the consequence component of risk as it relates to mortality, morbidity, and economic effects;

“(3) allow for changes in assumptions to evaluate a full range of factors, including technological, economic, and social trends, which may alter the future security environment;

“(4) contain a well-designed sensitivity analysis to address high degrees of uncertainty associated with the risk analyses of certain CBRN agents;

“(5) utilize red teaming analysis to identify vulnerabilities an adversary may discover and exploit in technology, training, and operational procedures and to identify open-source information that could be used by those attempting to defeat the countermeasures; and

“(6) incorporate an interactive interface that makes results and limitations transparent and useful to decision makers for identifying appropriate risk management activities.

“(f) COORDINATION.—The Secretary shall ensure that all risk analysis activities with respect to radiological or nuclear materials shall be conducted in coordination with the Domestic Nuclear Detection Office.

“(g) TIMEFRAME; REPORTS TO CONGRESS.—

“(1) INITIAL REPORT.—By not later than June 2008, the Secretary shall complete the first formal, integrated, CBRN risk assessment required under subsection (b) and shall submit to Congress a report summarizing the findings of such assessment and identifying improvements that could be made to enhance the transparency and usability of the risk analysis process developed under subsection (a).

“(2) UPDATES TO REPORT.—The Secretary shall submit to Congress updates to the findings

and report in paragraph (1), when appropriate, but by not later than two years after the date on which the initial report is submitted. Such updates shall reflect improvements in the risk analysis process developed under subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such title the following:

“Sec. 317. Risk analysis process and integrated CBRN risk assessment.”.

#### SEC. 606. NATIONAL BIO AND AGRO-DEFENSE FACILITY.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

#### “SEC. 318. NATIONAL BIO AND AGRO-DEFENSE FACILITY.

“(a) ESTABLISHMENT.—There is in the Department a National Bio and Agro-defense Facility (referred to in this section as the ‘NBAF’), which shall be headed by a Director who shall be appointed by the Secretary.

“(b) PURPOSES.—

“(1) IN GENERAL.—The NBAF shall be an integrated human, foreign-animal, and zoonotic disease research, development, testing, and evaluation facility with the purpose of supporting the complementary missions of the Department, the Department of Agriculture, and the Department of Health and Human Services in defending against the threat of potential acts of agroterrorism and natural-occurring incidents related to agriculture with the potential to adversely impact public health, animal health, and the economy, or may otherwise impact homeland security.

“(2) KNOWLEDGE PRODUCTION AND SHARING.—The NBAF shall produce and share knowledge and technology for the purpose of reducing economic losses caused by foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases of livestock and poultry, and preventing human suffering and death caused by diseases existing or emerging in the agricultural sector.

“(c) RESPONSIBILITIES OF DIRECTOR.—The Secretary shall vest in the Director primary responsibility for each of the following:

“(1) Directing basic, applied, and advanced research, development, testing, and evaluation relating to foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases, including foot and mouth disease, and performing related activities, including—

“(A) developing countermeasures for foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases, including diagnostics, vaccines and therapeutics;

“(B) providing advanced test and evaluation capability for threat detection, vulnerability, and countermeasure assessment for foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases;

“(C) conducting nonclinical, animal model testing and evaluation under the Food and Drug Administration’s Animal Rule as defined in parts 314 and 601 of title 22, Code of Federal Regulations, to support the development of human medical countermeasures by the Department of Human Services under the Public Health Service Act (42 U.S.C. 201 et seq.);

“(D) establishing NBAF information-sharing mechanisms to share information with relevant stakeholders, including the National Animal Health Laboratory Network; and

“(E) identifying and promoting uniform national standards for animal disease diagnostics.

“(2) Facilitating the coordination of Federal, State, and local governmental research and development efforts and resources relating to protecting public health and animal health from foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases.

“(3) Ensuring public safety during an emergency by developing an emergency response

plan under which emergency response providers in the community are sufficiently prepared or trained to respond effectively and given sufficient notice to allow for an effective response.

“(4) Ensuring NBAF site and facility security.

“(5) Providing training to develop skilled research and technical staff with the needed expertise in operations conducted at biological and agricultural research facilities.

“(6) Leveraging the expertise of academic institutions, industry, the Department of Energy National Laboratories, State and local governmental resources, and professional organizations involved in veterinary, medical and public health, and agriculture issues to carry out functions describes in (1) and (2).

“(d) REQUIREMENTS.—The Secretary, in designing and constructing the NBAF, shall ensure that the facility meets the following requirements:

“(1) The NBAF shall consist of state-of-the-art biocontainment laboratories capable of performing research and activities at Biosafety Level 3 and 4, as designated by the Centers for Disease Control and Prevention and the National Institutes of Health.

“(2) The NBAF facility shall be located on a site of at least 30 acres that can be readily secured by physical measure.

“(3) The NBAF facility shall be at least 500,000 square feet with a capacity of housing a minimum of 80 large animals for research, testing and evaluation;

“(4) The NBAF shall be located at a site with a preexisting utility infrastructure, or a utility infrastructure that can be easily built.

“(5) The NBAF shall be located at a site that has been subject to an Environmental Impact Statement under the National Environmental Policy Act of 1969.

“(6) The NBAF shall be located within a reasonable proximity to a national or regional airport and to major roadways.

“(e) AUTHORIZATION TO PROCURE REAL PROPERTY AND ACCEPT IN KIND DONATIONS FOR THE NBAF SITE.—The Secretary may accept and use donations of real property for the NBAF site and may accept and use in-kind donations of real property, personal property, laboratory and office space, utility services, and infrastructure upgrades for the purpose of assisting the Director in carrying out the responsibilities of the Director under this section.

“(f) APPLICABILITY OF OTHER LAWS.—

“(1) PUBLIC BUILDINGS ACT.—The NBAF shall not be considered a “public building” for purposes of the Public Buildings Act of 1959 (40 U.S.C. 3301 et seq.).

“(2) LIVE VIRUS OF FOOT AND MOUTH DISEASE RESEARCH.—The Secretary shall enable the study of live virus of foot and mouth disease at the NBAF, wherever it is sited, notwithstanding section 113a of title 21, United States Code.

“(g) COORDINATION.—

“(1) INTERAGENCY AGREEMENTS.—

“(A) IN GENERAL.—The Secretary shall enter into understandings or agreements with the heads of appropriate Federal departments and agencies, including the Secretary of Agriculture and the Secretary of Health and Human Services, to define the respective roles and responsibilities of each Department in carrying out foreign-animal, zoonotic, and other endemic animal disease research and development at the NBAF to protect public health and animal health.

“(B) DEPARTMENT OF AGRICULTURE.—The understanding or agreement entered into with the Secretary of Agriculture shall include a provision describing research programs and functions of the Department of Agriculture and the Department of Homeland Security, including those research programs and functions carried out at the Plum Island Animal Disease Center and those research programs and functions that will be transferred to the NBAF.

“(C) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The understanding or agreement en-

tered into with the Department of Health and Human Services shall describe research programs of the Department of Health and Human Services that may relate to work conducted at NBAF.

“(2) COOPERATIVE RELATIONSHIPS.—The Director shall form cooperative relationships with the National Animal Health Laboratory Network and American Association of Veterinary Laboratory Diagnosticians to connect with the network of Federal and State resources intended to enable an integrated, rapid, and sufficient response to animal health emergencies.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such title the following:

“Sec. 318. National Bio and Agro-defense Facility.”.

#### TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS

#### SEC. 701. CYBERSECURITY AND COMMUNICATIONS.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended by adding at the end the following new section:

#### “SEC. 226. OFFICE OF CYBERSECURITY AND COMMUNICATIONS.

“(a) IN GENERAL.—There shall be within the Department of Homeland Security an Office of Cybersecurity and Communications, which shall be headed by the Assistant Secretary for Cybersecurity and Communications.

“(b) DUTY OF THE ASSISTANT SECRETARY.—The Assistant Secretary shall assist the Secretary in carrying out the responsibilities of the Department regarding cybersecurity and communications.

“(c) RESPONSIBILITIES.—The Assistant Secretary shall be responsible for overseeing preparation, situational awareness, response, reconstruction, and mitigation necessary for cybersecurity and to protect communications from terrorist attacks, major disasters, and other emergencies, including large-scale disruptions, and shall conduct the following activities to execute those responsibilities:

“(1) PREPARATION AND SITUATIONAL AWARENESS.—

“(A) Establish and maintain a capability within the Department to monitor critical information infrastructure to aid in detection of vulnerabilities and warning of potential acts of terrorism and other attacks.

“(B) Conduct risk assessments on critical information infrastructure with respect to acts of terrorism and other large-scale disruptions, identify and prioritize vulnerabilities in critical information infrastructure, and coordinate the mitigation of such vulnerabilities.

“(C) Develop a plan for the continuation of critical information operations in the event of a cyber attack or other large-scale disruption of the information infrastructure of the United States.

“(D) Oversee an emergency communications system in the event of an act of terrorism or other large-scale disruption of the information infrastructure of the United States.

“(2) RESPONSE AND RECONSTITUTION.—

“(A) Define what qualifies as a cyber incident of national significance for purposes of the National Response Plan.

“(B) Ensure that the Department’s priorities, procedures, and resources are in place to reconstitute critical information infrastructures in the event of an act of terrorism or other large-scale disruption.

“(3) MITIGATION.—

“(A) Develop a national cybersecurity awareness, training, and education program that promotes cybersecurity awareness within the Federal Government and throughout the Nation.

“(B) Consult and coordinate with the Under Secretary for Science and Technology on cybersecurity research and development to

strengthen critical information infrastructure against acts of terrorism and other large-scale disruptions.

“(d) **DEFINITION.**—In this section the term ‘critical information infrastructure’ means systems and assets, whether physical or virtual, used in processing, transferring, and storing information so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.”

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by inserting at the end of the items relating to subtitle C of title II the following:

“Sec. 226. Office of Cybersecurity and Communications.”

#### **SEC. 702. CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) **IN GENERAL.**—The Under Secretary for Science and Technology shall support research, development, testing, evaluation, and transition of cybersecurity technology, including fundamental, long-term research to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from acts of terrorism and cyber attacks, with emphasis on research and development relevant to large-scale, high-impact attacks.

(b) **ACTIVITIES.**—The research and development supported under subsection (a) shall include work to—

(1) advance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including for the domain name system and routing protocols;

(2) improve and create technologies for detecting attacks or intrusions, including monitoring technologies;

(3) improve and create mitigation and recovery methodologies, including techniques for containment of attacks and development of resilient networks and systems that degrade gracefully;

(4) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies;

(5) assist the development and support of technologies to reduce vulnerabilities in process control systems (PCS); and

(6) test, evaluate, and facilitate the transfer of technologies associated with the engineering of less vulnerable software and securing the IT software development lifecycle.

(c) **COORDINATION.**—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

(1) the Assistant Secretary for Cybersecurity and Communications; and

(2) other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, the Information Assurance Directorate of the National Security Agency, the National Institute of Standards and Technology, and other appropriate working groups established by the President to identify unmet needs and cooperatively support activities, as appropriate.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amount authorized by section 101, there is authorized to be appropriated for the Department of Homeland Security for fiscal year 2008, \$50,000,000, for the cybersecurity research and development activities of the Directorate for Science and Technology to prevent, detect, and respond to acts of terrorism and other large-scale disruptions to information infrastructure.

#### **TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS**

#### **SEC. 801. REPORT TO CONGRESS ON STRATEGIC PLAN.**

Not later than 120 days after the date of enactment of this Act, the Under Secretary for

Science and Technology shall transmit to Congress the strategic plan described in section 302(2) of the Homeland Security Act of 2002 (6 U.S.C. 182(2)). In addition to the requirements described in that section 302(2), the strategic plan transmitted under this section shall include—

(1) a strategy to enhance the Directorate for Science and Technology workforce, including education and training programs, improving morale, minimizing turnover, strengthening workforce recruitment, and securing institutional knowledge;

(2) the Department policy describing the procedures by which the Directorate for Science and Technology hires and administers assignments to individuals assigned to the Department as detailees under an arrangement described in subchapter VI of chapter 33 of title 5, United States Code;

(3) the Department policy governing the responsibilities of the Under Secretary for Science and Technology, the Under Secretary for Policy, and the Under Secretary for Management, and the operational components of the Department regarding research, development, testing, evaluation, and procurement of homeland security technologies;

(4) a description of the methodology by which research, development, testing, and evaluation is prioritized and funded by the Directorate for Science and Technology;

(5) a description of the performance measurements to be used or a plan to develop performance measurements that can be used to annually evaluate the Directorate for Science and Technology's activities, mission performance, and stewardship of resources;

(6) a plan for domestic and international coordination of all related programs and activities within the Department and throughout Federal agencies, State, local, and tribal governments, the emergency responder community, industry, and academia;

(7) a plan for leveraging the expertise of the National Laboratories and the process for allocating funding to the National Laboratories; and

(8) a strategy for the Homeland Security Advanced Research Projects Agency that includes—

(A) a mission statement;

(B) a description of the Department's high risk and high payoff research, development, test, and evaluation strategy; and

(C) internal policies designed to encourage innovative solutions.

#### **SEC. 802. CENTERS OF EXCELLENCE PROGRAM.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amount authorized by section 101, there is authorized to be appropriated to the Secretary of Homeland Security for carrying out the Centers of Excellence Program \$31,000,000 for fiscal year 2008 such that each center that received funding in fiscal year 2007 shall receive, at a minimum, the same amount it received in fiscal year 2007.

(b) **MINORITY SERVING INSTITUTIONS PROGRAM.**—Of the amount authorized by section 101, there is authorized to be appropriated to the Secretary of Homeland Security for carrying out the Minority Serving Institutions Program \$8,000,000 for fiscal year 2008.

(c) **CENTERS OF EXCELLENCE PROGRAM PARTICIPATION.**—

(1) **REQUIREMENT.**—If, by the date of the enactment of this Act, the Secretary of Homeland Security has not selected a Minority Serving Institution to participate as a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, at least one of the next four Centers of Excellence selected after the date of enactment of this Act shall be an otherwise eligible applicant that is a Minority Serving Institution.

(2) **MINORITY SERVING INSTITUTION DEFINED.**—In this subsection the term “Minority Serving Institution” means—

(A) an historically black college or university that receives assistance under part B of title III of the Higher Education Act of 1965 (20 U.S.C. 106 et seq);

(B) an Hispanic-serving institution (as that term is defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a); or

(C) a tribally controlled college or university (as that term is defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801)).

#### **SEC. 803. NATIONAL RESEARCH COUNCIL STUDY OF UNIVERSITY PROGRAMS.**

(a) **STUDY.**—Not later than 3 months after the date of enactment of this Act, the Under Secretary for Science and Technology of the Department of Homeland Security shall seek to enter into an agreement with the National Research Council of the National Academy of Sciences to conduct a study to assess the University Programs of the Department, with an emphasis on the Centers of Excellence Program and the future plans for these programs, and make recommendations for appropriate improvements.

(b) **SUBJECTS.**—The study shall include—

(1) a review of key areas of study needed to support the homeland security mission, and criteria that should be utilized to determine those key areas for which the Department should maintain or establish Centers of Excellence;

(2) a review of selection criteria and weighting of such criteria for Centers of Excellence;

(3) an examination of the optimal role of Centers of Excellence in supporting the mission of the Directorate of Science and Technology and the most advantageous relationship between the Centers of Excellence and the Directorate and the Department components the Directorate serves;

(4) an examination of the length of time the Centers of Excellence should be awarded funding and the frequency of the review cycle in order to maintain such funding, particularly given their focus on basic, long term research;

(5) identification of the most appropriate review criteria and metrics to measure demonstrable progress, and mechanisms for delivering and disseminating the research results of established Centers of Excellence within the Department, and to other Federal, State, and local agencies;

(6) an examination of the means by which academic institutions that are not designated or associated with Centers of Excellence can optimally contribute to the research mission of the Directorate;

(7) an assessment of the interrelationship between the different University Programs; and

(8) a review of any other essential elements of the University Programs to be determined in the conduct of the study.

(c) **REPORT.**—The Under Secretary for Science and Technology shall transmit a report containing the results of the study and recommendations required by subsection (a) and the Under Secretary's response to the recommendations, to the appropriate Congressional committees not later than 24 months after the date of enactment of this Act.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amount authorized in section 101, there is authorized to be appropriated to carry out this section \$500,000.

#### **SEC. 804. STREAMLINING OF SAFETY ACT AND ANTITERRORISM TECHNOLOGY PROCUREMENT PROCESSES.**

(a) **PERSONNEL.**—The Secretary of Homeland Security shall ensure that, in addition to any personnel engaged in technical evaluations that may be appropriate, a sufficient number of full-time equivalent personnel, who are properly trained and qualified to apply legal, economic, and risk analyses, are involved in the review and prioritization of antiterrorism technologies for the purpose of determining whether such technologies may be designated by the Secretary as qualified antiterrorism technologies under

section 862(b) of the SAFETY Act (6 U.S.C. 441(b)) or certified by the Secretary under section 863(d) of such Act (6 U.S.C. 442(d)).

(b) **COORDINATION WITHIN DEPARTMENT OF HOMELAND SECURITY.**—The Secretary of Homeland Security shall—

(1) establish a formal coordination process that includes the official of the Department of Homeland Security with primary responsibility for the implementation of the SAFETY Act, the Chief Procurement Officer of the Department, the Under Secretary for Science and Technology, the Under Secretary for Policy, and the Department of Homeland Security General Counsel to ensure the maximum application of the litigation and risk management provisions of the SAFETY Act to antiterrorism technologies procured by the Department; and

(2) promote awareness and utilization of the litigation and risk management provisions of the SAFETY Act in the procurement of antiterrorism technologies.

(c) **ISSUANCE OF DEPARTMENTAL DIRECTIVE.**—The Secretary of Homeland Security shall, in accordance with the final rule implementing the SAFETY Act, issue a Departmental management directive providing for coordination between Department procurement officials and any other Department official responsible for implementing the SAFETY Act in advance of any Department procurement of an antiterrorism technology, as required under subsection (b).

**SEC. 805. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL CO-OPERATION ACT.**

(a) **IN GENERAL.**—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is further amended by adding at the end the following:

**“SEC. 319. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL CO-OPERATION PROGRAM.**

“(a) **DEFINITIONS.**—In this section:

“(1) **DIRECTOR.**—The term ‘Director’ means the Director selected under subsection (b)(2).

“(2) **INTERNATIONAL COOPERATIVE ACTIVITY.**—The term ‘international cooperative activity’ includes—

“(A) coordinated research projects, joint research projects, or joint ventures;

“(B) joint studies or technical demonstrations;

“(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

“(D) training of scientists and engineers;

“(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

“(F) exchanges or sharing of scientific and technological information; and

“(G) joint use of laboratory facilities and equipment.

“(b) **SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.**—

“(1) **ESTABLISHMENT.**—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

“(2) **DIRECTOR.**—The Office shall be headed by a Director, who—

“(A) shall be selected by and shall report to the Under Secretary; and

“(B) may be an officer of the Department serving in another position.

“(3) **RESPONSIBILITIES.**—

“(A) **DEVELOPMENT OF MECHANISMS.**—The Director shall be responsible for developing, in consultation with the Department of State, understandings or agreements that allow and support international cooperative activity in support of homeland security research, development, and comparative testing.

“(B) **PRIORITIES.**—The Director shall be responsible for developing, in coordination with the Directorate of Science and Technology, the other components of the Department of Homeland Security, and other Federal agencies, strategic priorities for international cooperative activity in support of homeland security research, development, and comparative testing.

“(C) **ACTIVITIES.**—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses, federally funded research and development centers, and universities.

“(D) **IDENTIFICATION OF PARTNERS.**—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

“(4) **COORDINATION.**—The Director shall ensure that the activities under this subsection are coordinated with those of other relevant research agencies, and may run projects jointly with other agencies.

“(5) **CONFERENCES AND WORKSHOPS.**—The Director may hold international homeland security technology workshops and conferences to improve contact among the international community of technology developers and to help establish direction for future technology goals.

“(c) **INTERNATIONAL COOPERATIVE ACTIVITIES.**—

“(1) **AUTHORIZATION.**—The Under Secretary is authorized to carry out international cooperative activities to support the responsibilities specified under section 302.

“(2) **MECHANISMS AND EQUITABILITY.**—In carrying out this section, the Under Secretary may award grants to and enter into cooperative agreements or contracts with United States governmental organizations, businesses (including small businesses and small and disadvantaged businesses), federally funded research and development centers, institutions of higher education, and foreign public or private entities. The Under Secretary shall ensure that funding and resources expended in international cooperative activities will be equitably matched by the foreign partner organization through direct funding or funding of complementary activities, or through provision of staff, facilities, materials, or equipment.

“(3) **LOANS OF EQUIPMENT.**—The Under Secretary may make or accept loans of equipment for research and development and comparative testing purposes.

“(4) **COOPERATION.**—The Under Secretary is authorized to conduct international cooperative activities jointly with other agencies.

“(5) **FOREIGN PARTNERS.**—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as appropriate.

“(6) **EXOTIC DISEASES.**—As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Chief Medical Officer, may facilitate the development of information sharing and other types of cooperative mechanisms with foreign countries, including nations in Africa, to strengthen American preparedness against threats to the Nation’s agricultural and public health sectors from exotic diseases.

“(d) **BUDGET ALLOCATION.**—There is authorized to be appropriated to the Secretary, to be derived from amounts otherwise authorized for the Directorate of Science and Technology, \$25,000,000 for each of the fiscal years 2008 through 2011 for activities under this section.

“(e) **FOREIGN REIMBURSEMENTS.**—Whenever the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign country on a cost-sharing basis, any reimbursements or contributions received from that foreign country to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.

“(f) **REPORT TO CONGRESS ON INTERNATIONAL COOPERATIVE ACTIVITIES.**—

“(1) **INITIAL REPORT.**—Not later than 180 days after the date of enactment of this section, the Under Secretary, acting through the Director, shall transmit to the Congress a report containing—

“(A) a brief description of each partnership formed under subsection (b)(4), including the participants, goals, and amount and sources of funding; and

“(B) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.

“(2) **UPDATES.**—At the end of the fiscal year that occurs 5 years after the transmittal of the report under subsection (a), and every 5 years thereafter, the Under Secretary, acting through the Director, shall transmit to the Congress an update of the report required under subsection (a).”

(b) **CLERICAL AMENDMENT.**—The table of contents for the Homeland Security Act of 2002 is further amended by adding at the end of the items relating to such title the following new item:

“Sec. 319. Promoting antiterrorism through international cooperation program.”

**TITLE IX—BORDER SECURITY IMPROVEMENTS**

**SEC. 901. US-VISIT.**

(a) **IN GENERAL.**—Not later than 7 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, the comprehensive strategy required by section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 for the biometric entry and exit data system (commonly referred to as the United States Visitor and Immigrant Status Indicator Technology program or US-VISIT) established under the section and other laws described in subsection (b) of such section. The comprehensive strategy shall include an action plan for full implementation of the biometric exit component of US-VISIT, as required under subsection (d) of section 7208 of such Act.

(b) **CONTENTS.**—The comprehensive strategy and action plan referred to in subsection (a) shall, at a minimum, include the following:

(1) An explanation of how US-VISIT will allow law enforcement officials to identify individuals who overstay their visas.

(2) A description of biometric pilot projects, including the schedule for testing, locations, cost estimates, resources needed, and performance measures.

(3) An implementation schedule for deploying future biometric exit capabilities at all air, land, and sea ports of entry.

(4) The actions the Secretary plans to take to accelerate the full implementation of the biometric exit component of US-VISIT at all air, land, and sea ports of entry.

(c) **AIRPORT AND SEAPORT EXIT IMPLEMENTATION.**—Not later than December 31, 2008, the Secretary of Homeland Security shall complete the exit portion of the biometric entry and exit data system referred to in subsection (a) for aliens arriving in or departing from the United States at an airport or seaport.

(d) **PROHIBITION ON TRANSFER.**—The Secretary of Homeland Security shall not transfer to the National Protection and Programs Directorate of the Department of Homeland Security the office of the Department that carries out the biometric entry and exit data system referred to in subsection (a) until the Secretary submits to the committees specified in such subsection the action plan referred to in such subsection for full implementation of the biometric exit component of US-VISIT at all ports of entry.



**SEC. 902. SHADOW WOLVES PROGRAM.**

Of the amount authorized by section 101, there is authorized to be appropriated \$4,100,000 for fiscal year 2008 for the Shadow Wolves program.

**SEC. 903. COST-EFFECTIVE TRAINING FOR BORDER PATROL AGENTS.**

(a) *IN GENERAL.*—The Secretary of Homeland Security shall take such steps as may be necessary to control the costs of hiring, training, and deploying new Border Patrol agents, including—

(1) permitting individuals who are in training to become Border Patrol agents to waive certain course requirements of such training if such individuals have earlier satisfied such requirements in a similar or comparable manner as determined by the Secretary; and

(2) directing the Office of Inspector General to conduct a review of the costs and feasibility of training new Border Patrol agents at Federal training centers, including the Federal Law Enforcement Training Center facility in Charleston, South Carolina, and the HAMMER facility in Hanford, Washington, and at training facilities operated by State and local law enforcement academies, non-profit entities, and private entities, including institutions in the southwest border region, as well as the use of all of the above to conduct portions of such training.

(b) *LIMITATION ON PER-AGENT COST OF TRAINING.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), the Secretary shall take such steps as may be necessary to ensure that the fiscal year 2008 per-agent cost of hiring, training, and deploying each new Border Patrol agent does not exceed \$150,000.

(2) *EXCEPTION AND CERTIFICATION.*—If the Secretary determines that the per-agent cost referred to in paragraph (1) exceeds \$150,000, the Secretary shall promptly submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a certification explaining why such per-agent cost exceeds such amount.

**SEC. 904. STUDENT AND EXCHANGE VISITOR PROGRAM.**

(a) *IN GENERAL.*—Section 442 of the Homeland Security Act of 2002 (6 U.S.C. 252) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as paragraph (10); and

(B) by inserting after paragraph (4) the following:

“(5) *STUDENT AND EXCHANGE VISITOR PROGRAM.*—In administering the program under paragraph (4), the Secretary shall—

“(A) prescribe regulations to require an institution or exchange visitor program sponsor participating in the Student and Exchange Visitor Program to ensure that each covered student or exchange visitor enrolled at the institution or attending the exchange visitor program—

“(i) is an active participant in the program for which the covered student or exchange visitor was issued a visa to enter the United States;

“(ii) is not unobserved for any period—

“(I) exceeding 30 days during any academic term or program in which the covered student or exchange visitor is enrolled; or

“(II) exceeding 60 days during any period not described in subclause (I); and

“(iii) is reported to the Department if within 21 days of—

“(I) transferring to another institution or program; or

“(II) being hospitalized or otherwise incapacitated necessitating a prolonged absence from the academic institution or exchange visitor program; and

“(B) notwithstanding subparagraph (A), require each covered student or exchange visitor to be observed at least once every 60 days.

“(6) *ENHANCED ACCESS.*—The Secretary shall provide access to the Student and Exchange Vis-

itor Information System (hereinafter in this subsection referred to as the ‘SEVIS’), or other equivalent program or system, to appropriate employees of an institution or exchange visitor program sponsor participating in the Student and Exchange Visitor Program if—

“(A) at least two authorized users are identified at each participating institution or exchange visitor sponsor;

“(B) at least one additional authorized user is identified at each such institution or sponsor for every 200 covered students or exchange visitors enrolled at the institution or sponsor; and

“(C) each authorized user is certified by the Secretary as having completed an appropriate training course provided by the Department for the program or system.

“(7) *PROGRAM SUPPORT.*—The Secretary shall provide appropriate technical support options to facilitate use of the program or system described in paragraph (4) by authorized users.

“(8) *UPGRADES TO SEVIS OR EQUIVALENT DATA.*—The Secretary shall update the program or system described in paragraph (4) to incorporate new data fields that include—

“(A) verification that a covered student’s performance meets the minimum academic standards of the institution in which such student is enrolled; and

“(B) timely entry of academic majors, including changes to majors, of covered students and exchange visitors enrolled at institutions or exchange program sponsors participating in the Student and Exchange Visitor Program.

“(9) *SAVINGS CLAUSE.*—Nothing in this section shall prohibit the Secretary or any institution or exchange program sponsor participating in the Student Exchange Visitor Program from requiring more frequent observations of covered students or exchange visitors.”; and

(2) by adding at the end the following:

“(d) *DEFINITIONS.*—For purposes of this section:

“(1) The term ‘covered student’ means a student who is a nonimmigrant pursuant to section 101(1)(15)(F), 101(1)(15)(J), or 101(1)(15)(M) of the Immigration and Nationality Act of 1952.

“(2) The term ‘observed’ means positively identified by physical or electronic means.

“(3) The term ‘authorized user’ means an individual nominated by an institution participating in the Student Exchange Visitor Program and confirmed by the Secretary as not appearing on any terrorist watch list.

“(e) *AUTHORIZATION OF APPROPRIATIONS.*—Of the amount authorized by section 101 of the Department of Homeland Security Authorization Act for Fiscal Year 2008, there are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.”.

(b) *COMPTROLLER GENERAL REVIEW.*—The Comptroller General shall conduct a review of the fees for the Student and Exchange Visitor Program of the Department of Homeland Security. The Comptroller General shall include in such review data from fiscal years 2004 through 2007 and shall consider fees collected by the Department and all expenses associated with the review, issuance, maintenance, data collection, and enforcement functions of the Student and Exchange Visitor Program.

**SEC. 905. ASSESSMENT OF RESOURCES NECESSARY TO REDUCE CROSSING TIMES AT LAND PORTS OF ENTRY.**

The Secretary of Homeland Security shall, not later than 180 days after the date of the enactment of this Act, conduct an assessment, and submit a report to the Congress, on the personnel, infrastructure, and technology required to reduce border crossing wait times for pedestrian, commercial, and non-commercial vehicular traffic at land ports of entry into the United States to wait times less than prior to September 11, 2001, while ensuring appropriate security checks continue to be conducted.

**SEC. 906. BIOMETRIC IDENTIFICATION OF UNAUTHORIZED ALIENS.**

(a) *IN GENERAL.*—The Secretary of Homeland Security shall conduct a pilot program for the

mobile biometric identification in the maritime environment of aliens unlawfully present in the United States.

(b) *REQUIREMENTS.*—The Secretary shall ensure that the pilot program is coordinated with other biometric identification programs within the Department of Homeland Security and shall evaluate the costs and feasibility of expanding the capability to all appropriate Department of Homeland Security maritime vessels.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—Of the amounts authorized in section 101, there is authorized to be appropriated \$10,000,000 to carry out this section.

**SEC. 907. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE REGARDING POLICIES AND PROCEDURES OF THE BORDER PATROL.**

(a) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the policies and procedures of the Border Patrol pertaining to the use of lethal and non-lethal force and the pursuit of fleeing vehicles, including data on the number of incidents in which lethal or non-lethal force was used and any penalties that were imposed on Border Patrol agents as a result of such use.

(b) *CONSULTATION.*—

(1) *REQUIREMENT.*—In complying with this section, the Comptroller General shall consult with Customs and Border Protection and with representatives of the following:

(A) State and local law enforcement agencies located along the northern and southern international borders of the United States.

(B) The National Border Patrol Council.

(C) The National Association of Former Border Patrol Officers.

(D) Human rights groups with experience regarding aliens who cross the international land borders of the United States.

(E) Any other group that the Comptroller General determines would be appropriate.

(2) *INCLUSION OF OPINIONS.*—The Comptroller General shall attach written opinions provided by groups referenced to in paragraph (1) as appendices to the report.

**TITLE X—INFORMATION SHARING IMPROVEMENTS****SEC. 1001. STATE AND LOCAL FUSION CENTER PROGRAM.**

(a) *IN GENERAL.*—Subtitle I of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 481 et seq.) is amended by striking sections 895 through 899 and inserting the following:

**“SEC. 895. STATE AND LOCAL FUSION CENTER PROGRAM.**

“(a) *ESTABLISHMENT.*—The Secretary shall establish within the Department a State and Local Fusion Center Program. The program shall be overseen by the component charged with overseeing information sharing of homeland security information with State, local and tribal law enforcement. The purpose of the State and Local Fusion Center Program is to facilitate information sharing between the Department and State, local, and tribal law enforcement for homeland security and other purposes.

“(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary such sums as are necessary for the Secretary to carry out the purpose of the State and Local Fusion Center Program, including for—

“(1) deploying Department personnel with intelligence and operational skills to State and local fusion centers participating in the Program;

“(2) hiring and maintaining individuals with substantial law enforcement experience who have retired from public service and deploying such individuals to State and local fusion centers participating in the Program (with the consent of such centers); and

“(3) maintaining an adequate number of staff at the headquarters of the Department to sustain and manage the portion of the Program carried out at the headquarters and to otherwise fill positions vacated by Department staff deployed to State and local fusion centers participating in the Program.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by striking the items relating to sections 895 through 899 and inserting the following:

“Sec. 895. State and Local Fusion Center Program.”.

(c) **PRIOR AMENDMENTS NOT AFFECTED.**—This section shall not be construed to affect the application of sections 895 through 899 of the Homeland Security Act of 2002 (including provisions enacted by the amendments made by those sections), as in effect before the effective date of this section.

**SEC. 1002. FUSION CENTER PRIVACY AND CIVIL LIBERTIES TRAINING PROGRAM.**

(a) **IN GENERAL.**—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

“**SEC. 203. FUSION CENTER PRIVACY AND CIVIL LIBERTIES TRAINING PROGRAM.**

“(a) **ESTABLISHMENT.**—The Secretary, through the Assistant Secretary for Information Analysis, the Privacy Officer, and the Officer for Civil Rights and Civil Liberties, shall establish a program within the Office of Civil Rights and Civil Liberties to provide privacy, civil liberties, and civil rights protection training for appropriate Department employees and State, local, tribal employees serving in State and local fusion centers participating in the State and Local Fusion Center Program.

“(b) **MANDATORY TRAINING.**—

“(1) **DEPARTMENT EMPLOYEES.**—The Secretary shall require each employee of the Department who is embedded at a State or local fusion center and has access to United States citizens and legal permanent residents personally identifiable information to successfully complete training under the program established under subsection (a).

“(2) **FUSION CENTER REPRESENTATIVES.**—As a condition of receiving a grant from the Department, a fusion center shall require each State, local, tribal, or private sector representative of the fusion center to successfully complete training under the program established under subsection (a) not later than six months after the date on which the State or local fusion center at which the employee is embedded receives a grant from the Department.

“(c) **CONTENTS OF TRAINING.**—Training provided under the program established under subsection (a) shall include training in Federal law in each of the following:

“(1) Privacy, civil liberties, and civil rights policies, procedures, and protocols that can provide or control access to information at a State or local fusion center.

“(2) Privacy awareness training based on section 552a of title 5, United States Code, popularly known as the Privacy Act of 1974.

“(3) The handling of personally identifiable information in a responsible and appropriate manner.

“(4) Appropriate procedures for the destruction of information that is no longer needed.

“(5) The consequences of failing to provide adequate privacy and civil liberties protections.

“(6) Compliance with Federal regulations setting standards for multijurisdictional criminal intelligence systems, including 28 CFR 23 (as in effect on the date of the enactment of this section).

“(7) The use of immutable auditing mechanisms designed to track access to information at a State or local fusion center.

“(d) **CERTIFICATION OF TRAINING.**—The Secretary, acting through the head of the Office of Civil Rights and Civil Liberties, shall issue a

certificate to each person who completes the training under this section and performs successfully in a written examination administered by the Office of Civil Rights and Civil Liberties. A copy of each such certificate issued to an individual working at a participating fusion center shall be kept on file at that fusion center.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized by section 101, there are authorized to be appropriate to carry out this section—

“(1) \$3,000,000 for each of fiscal years 2008 through 2013; and

“(2) such sums as may be necessary for each subsequent fiscal year.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

“Sec. 203. Fusion center privacy and civil liberties training program.”.

**SEC. 1003. AUTHORITY TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS FOR THE OFFICE OF INFORMATION ANALYSIS.**

(a) **DEFINITIONS.**—For purposes of this section—

(1) the term “IA” means the Office of Information Analysis;

(2) the term “annuitant” means an annuitant under a Government retirement system;

(3) the term “Government retirement system” has the meaning given such term by section 501(a); and

(4) the term “employee” has the meaning given such term by section 2105 of title 5, United States Code.

(b) **APPOINTMENT AUTHORITY.**—The Secretary (acting through the Assistant Secretary for Information Analysis) may, for the purpose of accelerating the ability of IA to perform its statutory duties under the Homeland Security Act of 2002, appoint annuitants to positions in IA in accordance with succeeding provisions of this section.

(c) **NONCOMPETITIVE PROCEDURES; EXEMPTION FROM OFFSET.**—An appointment made under subsection (b) shall not be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and any annuitant serving pursuant to such an appointment shall be exempt from sections 8344 and 8468 of such title 5 (relating to annuities and pay on reemployment) and any other similar provision of law under a Government retirement system.

(d) **LIMITATIONS.**—No appointment under subsection (b) may be made if such appointment would result in the displacement of any employee or would cause the total number of positions filled by annuitants appointed under such subsection to exceed 100 as of any time (determined on a full-time equivalent basis).

(e) **RULE OF CONSTRUCTION.**—An annuitant as to whom an exemption under subsection (c) is in effect shall not be considered an employee for purposes of any Government retirement system.

(f) **TERMINATION.**—Upon the expiration of the 5-year period beginning on the date of the enactment of this Act—

(1) any authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

**TITLE XI—MISCELLANEOUS PROVISIONS**

**SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY GRANTS.**

The Secretary of Homeland Security shall ensure that all funds administered by the Department of Homeland Security to support the interoperable communications needs of State, local, and tribal agencies, including funds administered pursuant to a Memorandum of Understanding or other agreement, may be used to support the standards outlined in the SAFECOM interoperability continuum, including governance, standard operating procedures, technology, training and exercises, and usage.

**SEC. 1102. RURAL HOMELAND SECURITY TRAINING INITIATIVE.**

(a) **ESTABLISHMENT.**—The Secretary of Homeland Security shall establish a program to be administered by the Director of the Federal Law Enforcement Training Center of the Department of Homeland Security to expand homeland security training to units of local and tribal governments located in rural areas. The Secretary shall take the following actions:

(1) **EVALUATION OF NEEDS OF RURAL AREAS.**—The Secretary shall evaluate the needs of such areas.

(2) **DEVELOPMENT OF TRAINING PROGRAMS.**—The Secretary shall develop expert training programs designed to respond to the needs of such areas, including, but not limited to, those pertaining to rural homeland security responses including protections for privacy, and civil rights and civil liberties.

(3) **PROVISION OF TRAINING PROGRAMS.**—The Secretary shall provide to such areas the training programs developed under paragraph (2).

(4) **OUTREACH EFFORTS.**—The Secretary shall conduct outreach efforts to ensure that such areas are aware of the training programs developed under paragraph (2) so that such programs are made available to units of local government and tribal governments located in rural areas.

(b) **NO DUPLICATION OR DISPLACEMENT OF CURRENT PROGRAMS.**—Any training program developed under paragraph (2) of subsection (a) and any training provided by the program pursuant to such subsection shall be developed or provided, respectively, in a manner so as to not duplicate or displace any program in existence on the date of the enactment of this section.

(c) **PRIORITIZED LOCATIONS FOR RURAL HOMELAND SECURITY TRAINING.**—In designating sites for the provision of training under this section, the Secretary shall, to the maximum extent possible and as appropriate, give priority to facilities of the Department of Homeland Security in existence as of the date of the enactment of this Act and to closed military installations, and to the extent possible, shall conduct training on-site, at facilities operated by participants.

(d) **RURAL DEFINED.**—In this section, the term “rural” means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

**SEC. 1103. CRITICAL INFRASTRUCTURE STUDY.**

(a) **IN GENERAL.**—The Secretary of Homeland Security shall work with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), led by the University of Southern California, to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical infrastructure information with the Department for homeland security and other purposes.

(b) **INCLUDED INCENTIVES.**—Incentives evaluated under this section shall include, but not be limited to, tax incentives, grant eligibility incentives, and certificates of compliance and other non-monetary incentives.

(c) **RECOMMENDATIONS.**—The evaluation shall also include recommendations on the structure and thresholds of any incentive program.

**SEC. 1104. TERRORIST WATCH LIST AND IMMIGRATION STATUS REVIEW AT HIGH-RISK CRITICAL INFRASTRUCTURE.**

From amounts authorized under section 101, there may be appropriated such sums as are necessary for the Secretary of Homeland Security to require each owner or operator of a Tier I or Tier II critical infrastructure site as selected for the Buffer Zone Protection Program, to conduct checks of their employees against available terrorist watch lists and immigration status databases.

**SEC. 1105. AUTHORIZED USE OF SURPLUS MILITARY VEHICLES.**

The Secretary of Homeland Security shall include United States military surplus vehicles having demonstrated utility for responding to terrorist attacks, major disasters, and other

emergencies on the Authorized Equipment List in order to allow State, local, and tribal agencies to purchase, modify, upgrade, and maintain such vehicles using homeland security assistance administered by the Department of Homeland Security.

**SEC. 1106. COMPUTER CAPABILITIES TO SUPPORT REAL-TIME INCIDENT MANAGEMENT.**

From amounts authorized under section 101, there are authorized such sums as may be necessary for the Secretary of Homeland Security to encourage the development and use of software or Internet-based computer capabilities to support real-time incident management by Federal, State, local, and tribal agencies. Such software-based capabilities shall be scalable and not be based on proprietary systems to ensure the compatibility of Federal, State, local, and tribal first responder agency incident management systems. In the development and implementation of such computer capabilities, the Secretary shall consider the feasibility and desirability of including the following capabilities:

- (1) Geographic information system data.
- (2) Personnel, vehicle, and equipment tracking and monitoring.
- (3) Commodity tracking and other logistics management.
- (4) Evacuation center and shelter status tracking.
- (5) Such other capabilities as determined appropriate by the Secretary.

**SEC. 1107. EXPENDITURE REPORTS AS A CONDITION OF HOMELAND SECURITY GRANTS.**

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

**“SEC. 890A. EXPENDITURE REPORTS AS A CONDITION OF HOMELAND SECURITY GRANTS.**

“(a) QUARTERLY REPORTS REQUIRED AS A CONDITION OF HOMELAND SECURITY GRANTS.—

“(1) EXPENDITURE REPORTS REQUIRED.—As a condition of receiving a grant administered by the Secretary, the Secretary shall require the grant recipient to submit quarterly reports to the Secretary describing the nature and amount of each expenditure made by the recipient using grant funds.

“(2) DEADLINE FOR REPORTS.—Each report required under paragraph (1) shall be submitted not later than 30 days after the last day of a fiscal quarter and shall cover expenditures made during that fiscal quarter.

“(b) PUBLICATION OF EXPENDITURES.—Not later than 30 days after receiving a report under subsection (a), the Secretary shall publish and make publicly available on the Internet website of the Department a description of the nature and amount of each expenditure covered by the report.

“(c) PROTECTION OF SENSITIVE INFORMATION.—In meeting the requirements of this section, the Secretary shall take appropriate action to ensure that sensitive information is not disclosed.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

“Sec. 890A. Expenditure reports as a condition of homeland security grants.”.

**SEC. 1108. ENCOURAGING USE OF COMPUTERIZED TRAINING AIDS.**

The Under Secretary for Science and Technology of the Department of Homeland Security shall use and make available to State and local agencies computer simulations to help strengthen the ability of municipalities to prepare for and respond to a chemical, biological, or other terrorist attack, and to standardize response training.

**SEC. 1109. PROTECTION OF NAME, INITIALS, INSIGNIA, AND DEPARTMENTAL SEAL.**

Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following new subsection:

“(d) PROTECTION OF NAME, INITIALS, INSIGNIA, AND SEAL.—

“(1) IN GENERAL.—Except with the written permission of the Secretary, no person may knowingly use, in connection with any advertisement, commercial activity, audiovisual production (including film or television production), impersonation, Internet domain name, Internet e-mail address, or Internet Web site, merchandise, retail product, or solicitation in a manner reasonably calculated to convey the impression that the Department or any organizational element of the Department has approved, endorsed, or authorized such use, any of the following (or any colorable imitation thereof):

“(A) The words ‘Department of Homeland Security’, the initials ‘DHS’, the insignia or seal of the Department, or the title ‘Secretary of Homeland Security’.

“(B) The name, initials, insignia, or seal of any organizational element (including any former such element) of the Department, or the title of any other officer or employee of the Department, notice of which has been published by the Secretary in accordance with paragraph (3).

“(2) CIVIL ACTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice that constitutes or will constitute conduct prohibited by paragraph (1) the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

“(3) NOTICE AND PUBLICATION.—The notice and publication to which paragraph (1)(B) refers is a notice published in the Federal Register including the name, initials, seal, or class of titles protected under paragraph (1)(B) and a statement that they are protected under that provision. The Secretary may amend such notice from time to time as the Secretary determines appropriate in the public interest and shall publish such amendments in the Federal Register.

“(4) AUDIOVISUAL PRODUCTION.—For the purpose of this subsection, the term ‘audiovisual production’ means the production of a work that consists of a series of related images that are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the work is embodied.”.

**SEC. 1110. REPORT ON UNITED STATES SECRET SERVICE APPROACH TO SHARING UNCLASSIFIED, LAW ENFORCEMENT SENSITIVE INFORMATION WITH FEDERAL, STATE, AND LOCAL PARTNERS.**

(a) REPORT BY DIRECTOR OF UNITED STATES SECRET SERVICE.—Not later than 240 days after the date of the enactment of this Act, the Director of the United States Secret Service shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Inspector General of the Department of Homeland Security a report describing the approach of the Secret Service to sharing unclassified, law enforcement sensitive information with Federal, State, and local law enforcement agencies for homeland security and other purposes.

(b) REPORT BY INSPECTOR GENERAL.—The Inspector General of the Department of Homeland Security shall conduct a review of the report submitted by the Director of the United States Secret Service under subsection (a), and submit a report with recommendations on whether and how such approach could be incorporated throughout the Department to Congress within

240 days after receiving the report of the Director of the United States Secret Service under subsection (a).

**SEC. 1111. REPORT ON UNITED STATES SECRET SERVICE JAMES J. ROWLEY TRAINING CENTER.**

Within 240 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall provide to the appropriate congressional committees, including the Committees on Homeland Security and Appropriations of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Appropriations of the Senate, a report describing the following:

(1) The mission and training capabilities of the United States Secret Service James J. Rowley Training Center.

(2) Current Secret Service personnel throughput capacity of the James J. Rowley Training Center.

(3) Maximum Secret Service personnel throughput capacity of the James J. Rowley Training Center.

(4) An assessment of what departmental components engage in similar training activities as those conducted at the James J. Rowley Training Center.

(5) An assessment of the infrastructure enhancements needed to support the mission and training capabilities of the James J. Rowley Training Center.

(6) An assessment of the actual and expected total throughput capacity at the James J. Rowley Training Center, including outside entity participants.

**SEC. 1112. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.**

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

**“SEC. 522. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.**

“(a) IN GENERAL.—There is a Metropolitan Medical Response System Program (in this section referred to as the ‘program’).

“(b) PURPOSE.—The purpose of the program shall be to support local jurisdictions in enhancing and maintaining all-hazards response capabilities to manage mass casualty incidents (including terrorist acts using chemical, biological, radiological, nuclear agents, or explosives, large-scale hazardous materials incidents, epidemic disease outbreaks, and natural disasters) by systematically enhancing and integrating first responders, public health personnel, emergency management personnel, business representatives, and volunteers.

“(c) PROGRAM ADMINISTRATION.—The Assistant Secretary for Health Affairs shall develop the programmatic and policy guidance for the program in coordination with the Administrator of the Federal Emergency Management Agency.

“(d) PERSONNEL COSTS.—The program shall not be subject to an administrative cap on the hiring of personnel to conduct program activities.

“(e) FINANCIAL ASSISTANCE.—

“(1) ADMINISTRATION.—The Administrator of the Federal Emergency Management Agency shall administer financial assistance provided to State and local jurisdictions under the program.

“(2) ASSISTANCE TO LOCAL JURISDICTIONS.—In providing financial assistance to a State under the program, the Administrator shall ensure that 100 percent of the amount of such assistance is allocated by the State to local jurisdictions, except that a State may retain up to 20 percent of the amount of such assistance to facilitate integration between the State and the local jurisdiction pursuant to a written agreement between the State and the chair of the Metropolitan Medical Response System steering committee.

“(3) MUTUAL AID.—

“(A) AGREEMENTS.—Local jurisdictions receiving assistance under the program are encouraged to develop and maintain memoranda of understanding and agreement with neighboring jurisdictions to support a system of mutual aid among the jurisdictions.

“(B) CONTENTS.—A memorandum referred to in subparagraph (A) shall include, at a minimum, policies and procedures to—

“(i) enable the timely deployment of program personnel and equipment across jurisdictions and, if relevant, across State boundaries;

“(ii) share information in a consistent and timely manner; and

“(iii) notify State authorities of the deployment of program resources in a manner that ensures coordination with State agencies without impeding the ability of program personnel and equipment to respond rapidly to emergencies in other jurisdictions.

“(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized by section 101 there is authorized to be appropriated to carry out the program \$63,000,000 for each of the fiscal years 2008 through 2011.”

(b) PROGRAM REVIEW.—

(1) IN GENERAL.—The Assistant Secretary for Health Affairs shall conduct a review of the Metropolitan Medical Response System Program.

(2) CONTENT OF REVIEW.—In conducting the review of the program, the Assistant Secretary shall examine—

(A) strategic goals;

(B) objectives;

(C) operational capabilities;

(D) resource requirements;

(E) performance metrics;

(F) administration;

(G) whether the program would be more effective if it were managed as a contractual agreement;

(H) the degree to which the program's strategic goals, objectives, and capabilities are incorporated in State and local homeland security plans; and

(I) challenges in the coordination among public health, public safety, and other stakeholder groups to prepare for and respond to mass casualty incidents.

(3) REPORT.—Not later than 9 months after the date of enactment of this subsection, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the review.

(c) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 635 of the Post-Katrina Management Reform Act of 2006 (6 U.S.C. 723) is repealed.

(2) TABLE OF CONTENTS.—The table of contents contained in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 521 the following:

“Sec. 522. Metropolitan Medical Response System Program.”

#### SEC. 1113. IDENTITY FRAUD PREVENTION GRANT PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States found that the 19 hijackers had been issued 16 State driver's licenses (from Arizona, California, Florida, and Virginia) and 14 State identification cards (from Florida, Maryland and Virginia).

(2) The Commission concluded that “[s]ecure identification should begin in the United States. The Federal Government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.”

(b) GRANT PROGRAM.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is amended by adding at the end the following:

#### “SEC. 447. DOCUMENT FRAUD PREVENTION GRANT PROGRAM.

“(a) IN GENERAL.—The Secretary shall establish a program to make grants available to States to be used to prevent terrorists and other individuals from fraudulently obtaining and using State-issued identification cards and to develop more secure State-issued documents to be used for official Federal purposes.

“(b) USE OF FUNDS.—A recipient of a grant under this section may use the grant for any of the following purposes:

“(1) To develop machine readable technology, encryption methods, or other means of protecting against unauthorized access of information appearing on licenses or identification.

“(2) To establish a system for a State-to-State data exchange that allows electronic access to States to information contained in a State department of motor vehicles database.

“(3) To develop or implement a security plan designed to safeguard the privacy of personal information collected, maintained, and used by State motor vehicles offices from unauthorized access, misuse, fraud, and identity theft.

“(4) To develop a querying service that allows access to Federal databases in a timely, secure, and cost-effective manner, in order to verify the issuance, validity, content, and completeness of source documents provided by applicants for identity documents issued by State agencies, including departments of motor vehicles.

“(5) To develop a system for States to capture and store digital images of identity source documents and photographs of applicants in electronic format.

“(6) To design systems or establish procedures that would reduce the number of in-person visits required to State departments of motor vehicles to obtain State-issued identity documents used for Federal official purposes.

“(c) PRIORITY IN AWARDING GRANTS.—In awarding grants under this section the Secretary shall give priority to a State that demonstrates that—

“(1) the grant will assist the State in complying with any regulation issued by the Department to prevent the fraudulent issuance of identification documents to be used for official Federal purposes; and

“(2) such compliance will facilitate the ability of other States to comply with such regulations.

“(d) LIMITATION ON SOURCE OF FUNDING.—The Secretary may not use amounts made available under this section for any other grant program of the Department to provide funding for expenses related to the REAL ID Act of 2005 (Public Law 109-13).

“(e) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized by section 101 there are authorized to be appropriated to the Secretary for making grants under this section—

“(1) \$120,000,000 for fiscal year 2008;

“(2) \$100,000,000 for fiscal year 2009; and

“(3) \$80,000,000 for fiscal year 2010.”

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such subtitle the following:

“Sec. 447. Document fraud prevention grant program.”

#### SEC. 1114. TECHNICAL CORRECTIONS.

The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by striking the items relating to the second title XVIII, as added by section 501(b)(3) of Public Law 109-347, and inserting the following:

“TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

“Sec. 1901. Domestic Nuclear Detection Office.

“Sec. 1902. Mission of Office.

“Sec. 1903. Hiring authority.

“Sec. 1904. Testing authority.

“Sec. 1905. Relationship to other Department entities and Federal agencies.

“Sec. 1906. Contracting and grant making authorities.”

(2) by redesignating the second title XVIII, as added by section 501(a) of Public Law 109-347, as title XIX;

(3) in title XIX (as so redesignated)—

(A) by redesignating sections 1801 through 1806 as sections 1901 through 1906, respectively;

(B) in section 1904(a) (6 U.S.C. 594(a)), as so redesignated, by striking “section 1802” and inserting “section 1902”; and

(C) in section 1906 (6 U.S.C. 596), as so redesignated, by striking “section 1802(a)” each place it appears and inserting “section 1902(a)”.

#### SEC. 1115. CITIZEN CORPS.

Of the amount authorized to be appropriated under section 101, such sums as may be necessary shall be available to the Secretary of Homeland Security to encourage the use of Citizen Corps funding and local Citizen Corps Councils to provide education and training for populations located around critical infrastructure on preparing for and responding to terrorist attacks, major disasters, and other emergencies.

#### SEC. 1116. REPORT REGARDING DEPARTMENT OF HOMELAND SECURITY IMPLEMENTATION OF COMPTROLLER GENERAL AND INSPECTOR GENERAL RECOMMENDATIONS REGARDING PROTECTION OF AGRICULTURE.

(a) REPORT REQUIRED.—The Secretary of Homeland Security shall prepare a report describing how the Department of Homeland Security will implement the applicable recommendations of the following reports:

(1) Comptroller General report entitled “Homeland Security: How Much is Being Done to Protect Agriculture from a Terrorist Attack, but Important Challenges Remain” (GAO-05-214).

(2) Department of Homeland Security Office of Inspector General report entitled “The Department of Homeland Security's Role in Food Defense and Critical Infrastructure Protection” (OIG-07-33).

(b) SUBMISSION OF REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit the report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. If the Secretary determines that a specific recommendation will not be implemented or will not be fully implemented, the Secretary shall include in the report a description of the reasoning or justification for the determination.

#### SEC. 1117. REPORT REGARDING LEVEE SYSTEM.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report analyzing the threat, vulnerability, and consequence of a terrorist attack on the levee system of the United States.

(b) EXISTING REPORTS.—In implementing this section, the Secretary may build upon existing reports as necessary.

#### SEC. 1118. REPORT ON FORCE MULTIPLIER PROGRAM.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the progress of the Secretary—

(1) in establishing procedures to ensure compliance with section 44917(a)(7) of title 49, United States Code; and

(2) in accomplishing the operational aspects of the Force Multiplier Program, as required pursuant to the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295).

#### SEC. 1119. ELIGIBILITY OF STATE JUDICIAL FACILITIES FOR STATE HOMELAND SECURITY GRANTS.

(a) IN GENERAL.—States may utilize covered grants for the purpose of providing funds to

State and local judicial facilities for security at those facilities.

(b) COVERED GRANTS.—For the purposes of this section, the term “covered grant” means a grant under any of the following programs of the Department of Homeland Security:

(1) The State Homeland Security Grant Program.

(2) The Urban Area Security Initiative.

**SEC. 1120. AUTHORIZATION OF HOMELAND SECURITY FUNCTIONS OF THE UNITED STATES SECRET SERVICE.**

(a) AUTHORIZED FUNDING.—Of the amounts authorized by section 101, there is authorized to be appropriated for fiscal year 2008 for necessary expenses of the United States Secret Service, \$1,641,432,000.

(b) AUTHORIZED PERSONNEL STRENGTH.—The United States Secret Service is authorized to provide 6,822 full-time equivalent positions.

**SEC. 1121. DATA SHARING.**

The Secretary of Homeland Security shall provide information relating to assistance requested or provided in response to a terrorist attack, major disaster, or other emergency, to Federal, State, or local law enforcement entities to assist in the location of a missing child or registered sex offender. In providing such information, the Secretary shall take reasonable steps to protect the privacy of individuals.

**TITLE XII—MARITIME ALIEN SMUGGLING**

**SEC. 1201. SHORT TITLE.**

This title may be cited as the “Maritime Alien Smuggling Law Enforcement Act”.

**SEC. 1202. CONGRESSIONAL DECLARATION OF FINDINGS.**

The Congress finds and declares that maritime alien smuggling violates the national sovereignty of the United States, places the country at risk of terrorist activity, compromises the country's border security, contravenes the rule of law, and compels an unnecessary risk to life among those who enforce the Nation's laws. Moreover, such maritime alien smuggling creates a condition of human suffering among those who seek to enter the United States without official permission or lawful authority that is to be universally condemned and vigorously opposed.

**SEC. 1203. DEFINITIONS.**

In this title:

(1) The term “alien” has the same meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) The term “lawful authority” means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed thereunder and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.

(3) The term “serious bodily injury” has the same meaning given that term in section 1365 of title 18, United States Code, including any conduct that would violate sections 2241 or 2242 of such title, if the conduct occurred in the special maritime and territorial jurisdiction of the United States.

(4) The term “State” has the same meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(5) The term “terrorist activity” has the same meaning given that term in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)).

(6) The term “United States” includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(7) The term “vessel of the United States” and “vessel subject to the jurisdiction of the United States” have the same meanings given those

terms in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

**SEC. 1204. MARITIME ALIEN SMUGGLING.**

(a) OFFENSE.—For purposes of enforcing Federal laws, including those that pertain to port, maritime, or land border security, no person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States, or who is a citizen or national of the United States or an alien who is paroled into or is a resident of the United States on board any vessel, shall assist, encourage, direct, induce, transport, move, harbor, conceal, or shield from detection an individual in transit from one country to another on the high seas, knowing or in reckless disregard of the fact that such individual is an alien, known, or suspected terrorist, or an individual seeking to commit terrorist activity, seeking to enter the United States without official permission or lawful authority.

(b) ATTEMPT OR CONSPIRACY.—Any person who attempts or conspires to commit a violation of this title shall be subject to the same penalties as those prescribed for the violation, the commission of which was the object of the attempt or conspiracy.

(c) JURISDICTION AND SCOPE.—

(1) IN GENERAL.—Jurisdiction of the United States with respect to vessels and persons subject to this section is not an element of any offense. All jurisdictional issues arising under this section are preliminary questions of law to be determined solely by the trial judge.

(2) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this section.

(3) NONAPPLICABILITY TO LAWFUL ACTIVITIES.—Nothing in this title shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

(d) CLAIM OF FAILURE TO COMPLY WITH INTERNATIONAL LAW; JURISDICTION OF COURT.—Any person charged with a violation of this title shall not have standing to raise the claim of failure to comply with international law as a basis for a defense. A claim of failure to comply with international law in the enforcement of this title may be invoked solely by a foreign nation, and a failure to comply with international law shall not divest a court of jurisdiction or otherwise constitute a defense to any proceeding under this title.

(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a violation of this section, as to which the defendant has the burden of proof by a preponderance of the evidence, that prior to the alleged violation the defendant rescued the alien at sea, if the defendant—

(1) immediately reported to the Coast Guard the circumstances of the rescue, and the name, description, registry number, and location of the rescuing vessel; and

(2) did not bring or attempt to bring the alien into the land territory of the United States without official permission or lawful authority, unless exigent circumstances existed that placed the life of the alien in danger, in which case the defendant must have reported to the Coast Guard the information required by paragraph (1) of this subsection immediately upon delivering that alien to emergency medical personnel ashore.

(f) ADMISSIBILITY OF EVIDENCE.—Notwithstanding any provision of the Federal Rules of Evidence, the testimony of Coast Guard personnel and official records of the Coast Guard, offered to show either that the defendant did not report immediately the information required by subsection (e) or the absence of any such report by the defendant, shall be admissible, and the jury shall be instructed, upon request of the United States, that it may draw an inference from such records or testimony in deciding whether the defendant reported as required by subsection (e).

(g) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of

the Federal Rules of Evidence, the videotaped (or otherwise audiovisually or electronically preserved) deposition of a witness to any alleged violation of subsection (a) of this section who has been repatriated, removed, extradited, or otherwise expelled from or denied admission to the United States or who is otherwise unable to testify may be admitted into evidence in an action brought for that violation if the witness was available for cross examination at the deposition and the deposition otherwise complies with the Federal Rules of Evidence.

(h) PENALTIES.—A person who commits any violation under this section shall—

(1) be imprisoned for not less than 3 years and not more than 20 years, fined not more than \$100,000, or both;

(2) in a case in which the violation furthers or aids the commission of any other criminal offense against the United States or any State for which the offense is punishable by imprisonment for more than 1 year, be imprisoned for not less than 5 years and not more than 20 years, fined not more than \$100,000, or both;

(3) in a case in which any participant in the violation created a substantial risk of death or serious bodily injury to another person (including, but not limited to, transporting a person in a shipping container, storage compartment, or other confined space or at a speed in excess of the rated capacity of the vessel), be imprisoned for not less than 5 years and not more than 20 years, fined not more than \$100,000, or both;

(4) in a case in which the violation caused serious bodily injury to any person, regardless of where the injury occurred, be imprisoned for not less than 7 years and not more than 30 years, fined not more than \$500,000, or both;

(5) in a case in which the violation involved an alien who the offender knew or had reason to believe was an alien engaged in terrorist activity or intending to engage in terrorist activity, be imprisoned for not less than 10 years and not more than 30 years, fined not more than \$500,000, or both; and

(6) in the case where the violation caused or resulted in the death of any person regardless of where the death occurred, be punished by death or imprisoned for not less than 10 years and up to a life sentence, fined not more than \$1,000,000, or both.

**SEC. 1205. SEIZURE OR FORFEITURE OF PROPERTY.**

(a) IN GENERAL.—Any conveyance (including any vessel, vehicle, or aircraft) that has been or is being used in the commission of any violation of this title, the gross proceeds of such violation, and any property traceable to such conveyance or proceeds shall be seized and subject to forfeiture in the same manner as property seized or forfeited under section 274 of the Immigration and Nationality Act (8 U.S.C. 1324).

(b) PRIMA FACIE EVIDENCE OF VIOLATIONS OF THE TITLE.—Practices commonly recognized as alien smuggling tactics may provide prima facie evidence of intent to use a vessel to commit, or to facilitate the commission of, a violation of this title and may support seizure and forfeiture of the vessel, even in the absence aboard the vessel of an alien in unlawful transit. The following indicia may be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of, a violation of this title:

(1) The construction or adaptation of the vessel in a manner that facilitates smuggling, including—

(A) the configuration of the vessel to avoid being detected visually or by radar;

(B) the presence of any compartment or equipment that is built or fitted out for smuggling (excluding items reasonably used for the storage of personal valuables);

(C) the presence of an auxiliary fuel, oil, or water tank not installed in accordance with applicable law or installed in such a manner as to enhance the vessel's smuggling capability;



(D) the presence of engines, the power of which exceeds the design specifications or size of the vessel;

(E) the presence of materials used to reduce or alter the heat or radar signature of the vessel or avoid detection;

(F) the presence of a camouflaging paint scheme or materials used to camouflage the vessel; and

(G) the display of false vessel registration numbers, false indicia of vessel nationality, false vessel name, or false vessel homeport.

(2) The presence or absence of equipment, personnel, or cargo inconsistent with the type or declared purpose of the vessel.

(3) The presence of fuel, lube oil, food, water, or spare parts inconsistent with legitimate operation of the vessel, the construction or equipment of the vessel, or the character of the vessel.

(4) The operation of the vessel without lights during times lights are required to be displayed under applicable law or regulation or in a manner of navigation.

(5) The failure of the vessel to stop, respond, or heave to when hailed by an official of the Federal Government, including conducting evasive maneuvers.

(6) The declaration to the Federal Government of apparently false information about the vessel, crew, or voyage or the failure to identify the vessel by name or country of registration when requested to do so by a Government official.

(c) **PRIMA FACIE EVIDENCE OF THE ABSENCE OF LAWFUL AUTHORITY TO ENTER.**—Notwithstanding any provision of the Federal Rules of Evidence, in determining whether a violation of this title has occurred, any of the following shall be prima facie evidence in an action for seizure or forfeiture pursuant to this section that an alien involved in the alleged offense had not received prior official permission or legal authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

(1) Any order, finding, or determination concerning the alien's status or lack thereof made by a Federal judge or administrative adjudicator (including an immigration judge or an immigration officer) during any judicial or administrative proceeding authorized under the immigration laws or regulations prescribed thereunder.

(2) Official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack thereof.

(3) Testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack thereof.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-136. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-136.

Mr. THOMPSON of Mississippi. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

In the proposed section 401(b)(3)(B), as proposed to be added by section 201 of the bill, insert before the period at the end the following: “, excluding each agency that is a distinct entity within the Department”.

In the proposed section 401(b)(3)(E), as proposed to be added by section 201 of the bill, insert before the period at the end the following: “, consistent with this section”.

Strike subsection (b) of the proposed section 707, as proposed to be added by section 202 of the bill, and insert the following:

“(b) **COORDINATION.**—The Secretary shall direct the Chief Operating Officer of each component agency to coordinate with that Officer's respective Chief Operating Officer of the Department to ensure that the component agency adheres to Government-wide laws, rules, regulations, and policies to which the Department is subject and which the Chief Operating Officer is responsible for implementing.”.

In the proposed section 707(c), strike “reporting to” and insert “coordinating with”.

In the proposed section 402(d), as proposed to be added by section 203 of the bill, insert after “submit to the Committee on Homeland Security” the following: “and the Committee on Transportation and Infrastructure”.

Strike the proposed subsection (d), as proposed to be added by section 208 of the bill, and insert the following:

“(d) **AUTHORITY OF ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.**—The Secretary for the Department shall ensure that the Assistant Secretary for Legislative Affairs has adequate authority or the Assistant Secretary's respective counterparts in component agencies of the Department to ensure that such component agencies adhere to the laws, rules, and regulations to which the Department is subject and the departmental policies that the Assistant Secretary for Legislative Affairs is responsible for implementing.”.

In section 301(c), after “submit to the Committee on Homeland Security” the following: “and the Committee on Oversight and Government Reform”.

In the proposed subsection (d)(1), as proposed to be added by section 302 of the bill, strike “and the Committee on Homeland Security and Governmental Affairs of the Senate” and insert “, the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees”.

In the proposed subsection (d)(2), as proposed to be added by section 302 of the bill, strike “and the Committee on Homeland Security and Governmental Affairs of the Senate” and insert “, the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees”.

In the proposed section 104(a), as proposed to be added by section 304 of the bill, insert after “congressional homeland security committees” the following: “and other appropriate congressional committees”.

Strike section 305 and conform the table of contents accordingly.

In section 402, strike subsection (b) and insert the following:

(b) **APPOINTMENT AUTHORITY.**—The Secretary (acting through the Chief Procurement Officer) may, for the purpose of supporting the Department's acquisition capabilities and enhancing contract management throughout the Department, appoint annuitants to positions in procurement offices in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the

Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in procurement offices;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 402, strike subsection (f) and insert the following:

(f) **TERMINATION OF AUTHORITY.**—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In the proposed section 837(b), as proposed to be added by section 403 of the bill, after “require the contractor to submit” insert the following: “past performance”.

In section 406, strike subsection (c) and redesignate subsection (d) as subsection (c).

In the proposed section 839(b), as proposed to be added by section 407 of the bill, strike paragraph (4).

In the proposed section 839(d), strike “the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428))” and insert “the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403))”.

In the proposed section 839, as proposed to be added by section 407 of the bill, strike subsection (f).

In section 408(c), strike “the Department of Homeland Security shall consider” and insert “The Secretary of Homeland Security shall consider, among the other factors the Secretary deems relevant,”.

Strike section 409, redesignate section 410 as section 409, and conform the table of contents accordingly.

In section 409, as so redesignated, strike “The Secretary” and insert “Consistent with any applicable law, the Secretary”.

In section 501, redesignate subsections (g) and (h) as subsections (h) and (i), respectively, and insert after subsection (f), the following new subsection (g):

(g) **COMPTROLLER GENERAL REPORT.**—The Comptroller General shall conduct a comprehensive review of the retirement system for law enforcement officers employed by the Federal Government. The review shall include all employees categorized as law enforcement officers for purposes of retirement and any other Federal employee performing law enforcement officer duties not so categorized. In carrying out the review, the Comptroller General shall review legislative proposals introduced over the 10 years preceding the date of the enactment of this Act that are relevant to the issue law enforcement retirement and consult with law enforcement agencies and law enforcement employee representatives. Not later than August 1, 2007, the Comptroller General shall submit to Congress a report on the findings of such review. The report shall include each of the following:

(1) An assessment of the reasons and goals for the establishment of the separate retirement system for law enforcement officers, as defined in section 8331 of title 5, United States Code, including the need for young and vigorous law enforcement officers, and whether such reasons and goals are currently appropriate.



(2) An assessment of the more recent reasons given for including additional groups of employees in such system, including recruitment and retention, and whether such reasons and goals are currently appropriate.

(3) A determination as to whether the system is achieving the goals in (1) and (2).

(4) A summary of potential alternatives to the system, including increased use of bonuses, increased pay, and raising the mandatory retirement age, and a recommendation as to which alternatives would best meet each goal defined in (1) and (2), including legislative recommendations if necessary.

(5) A recommendation for the definition of law enforcement officer.

(6) An detailed review of the current system including its mandatory retirement age and benefit accrual.

(7) A recommendation as to whether the law enforcement officer category should be made at the employee, function and duty, job classification, agency or other level, and by whom.

(8) Any other relevant information.

In section 502(a) by inserting after “transmit to the Committee on Homeland Security” the following: “and the Committee on Oversight and Government Reform”.

In section 504, strike subsection (b) and insert the following:

(b) **APPOINTMENT AUTHORITY.**—The Secretary (acting through the Commissioner of the United States Customs and Border Protection) may, for the purpose of accelerating the ability of the CBP to secure the borders of the United States, appoint annuitants to positions in the CBP in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the CBP;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 504, strike subsection (f) and insert the following:

(f) **TERMINATION OF AUTHORITY.**—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In section 505(a), insert after “statutes” the following: “and Office of Personnel Management Regulations and Guidelines”.

Strike section 507, redesignate sections 508 through 513 as sections 507 through 512, respectively, and conform the table of contents accordingly.

In the proposed section 708, as proposed to be added by section 508 of the bill, as so redesignated, strike subsection (b)(1) and insert the following:

“(1) have responsibility for overall Department-wide security activities, including issuing and confiscating credentials, controlling access to and disposing of classified and sensitive but unclassified materials, controlling access to sensitive areas and Secured Compartmentalized Intelligence Facilities, and communicating with other government agencies on the status of security clearances and security clearance applications;”.

Strike section 606 and conform the table of contents accordingly.

In the proposed section 226(c)(1)(A), as proposed to be added by section 701 of the bill, strike “to monitor critical information infrastructure” and insert “for ongoing activities to identify threats to critical information infrastructure”.

In section 702(c)(2), insert after “Standards and Technology,” the following: “the Department of Commerce.”.

Insert after section 702 the following (and conform the table of contents accordingly):

#### **SEC. 703. COLLABORATION.**

In carrying out this title, the Assistant Secretary of Homeland Security for Cybersecurity and Communications shall collaborate with any Federal entity that, under law, has authority over the activities set forth in this title.

In section 804(b)(1), strike “maximum”.

In the proposed section 319(e), as proposed to be added by section 805 of the bill, after “the project may” insert the following: “, subject to the availability of appropriations for such purpose.”.

Insert at the end of title VIII the following (and conform the table of contents accordingly):

#### **SEC. 806. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.**

(a) **AUTHORITY.**—The Under Secretary for Science and Technology or his designee may make available to any person or entity, for an appropriate fee, the services of any Department of Homeland Security owned and operated center, or other testing facility for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

(b) **INTERFERENCE WITH FEDERAL PROGRAMS.**—The Under Secretary for Science and Technology shall ensure that the testing of materiel and other items not owned by the Government shall not cause government personnel or other government resources to be diverted from scheduled tests of Government materiel or otherwise interfere with Government mission requirements.

(c) **CONFIDENTIALITY OF TEST RESULTS.**—The results of tests performed with services made available under subsection (a) and any associated data provided by the person or entity for the conduct of such tests are trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552b(4) of title 5, United States Code, and may not be disclosed outside the Federal Government without the consent of the person or entity for whom the tests are performed.

(d) **FEES.**—The fees for exercising the authorities under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(e) **USE OF FEES.**—The fees for exercising the authorities under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology.

(f) **OPERATIONAL PLAN.**—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Science and Technology shall submit to Congress a report detailing a plan for operating a program that would allow any person or entity, for an appropriate fee, to use any center or testing facility owned and operated by the Department of Homeland Security for testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission. The plan shall include—

(1) a list of the facilities and equipment that could be made available to such persons or entities;

(2) a five-year budget plan, including the costs for facility construction, staff training, contract and legal fees, equipment maintenance and operation, and any incidental costs associated with the program;

(3) A five-year estimate of the number of users and fees to be collected;

(4) a list of criteria for selecting private-sector users from a pool of applicants, including any special requirements for foreign applicants; and

(5) an assessment of the effect the program would have on the ability of a center or testing facility to meet its obligations under other Federal programs.

(g) **REPORT TO CONGRESS.**—The Under Secretary for Science and Technology shall submit to Congress an annual report containing a list of the centers and testing facilities that have collected fees under this section, the amount of fees collected, a brief description of each partnership formed under this section, and the purpose for which the testing was conducted.

(h) **GAO.**—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an assessment of the implementation of this section.

Strike section 904 and insert the following (and conform the table of contents accordingly):

#### **SEC. 904. REPORT ON IMPLEMENTATION OF THE STUDENT AND EXCHANGE VISITOR PROGRAM.**

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report to update the Government Accountability Office report of June 18, 2004, GAO-04-690, on the Student and Exchange Visitor Program (referred to in this section as “SEVP”) and specifically the Student and Exchange Visitor Information System (referred to in this section as “SEVIS”). The report shall include the following information:

(1) The rate of compliance with the current SEVIS requirements by program sponsors and educational institutions, including non-academic institutions authorized to admit students under SEVIS.

(2) Whether there are differences in compliance rates among different types and sizes of institutions participating in SEVIS.

(3) Whether SEVIS adequately ensures that each covered foreign student or exchange visitor in nonimmigrant status is, in fact, actively participating in the program for which admission to the United States was granted.

(4) Whether SEVIS includes data fields to ensure that each covered foreign student or exchange visitor in nonimmigrant status is meeting minimum academic or program standards and that major courses of study are recorded, especially those that may be of national security concern.

(5) Whether the Secretary of Homeland Security provides adequate access, training, and technical support to authorized users from the sponsoring programs and educational institutions in which covered foreign students and exchange visitors in a non-immigrant status are enrolled.

(6) Whether each sponsoring program or educational institution participating in SEVP has designated enough authorized users to comply with SEVIS requirements.

(7) Whether authorized users at program sponsors or educational institutions are adequately vetted and trained.

(8) Whether the fees collected are adequate to support SEVIS.

(9) Whether there are any new authorities, capabilities, or resources needed for SEVP and SEVIS to fully perform.

Strike section 906, redesignate section 907 as section 906, and conform the table of contents accordingly.

In section 1003, strike subsection (b) and insert the following:

(b) **APPOINTMENT AUTHORITY.**—The Secretary (acting through the Assistant Secretary for Information Analysis) may, for the purpose of accelerating the ability of the IA to perform its statutory duties under the Homeland Security Act of 2002, appoint annuitants to positions in the IA in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the IA;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 1003, strike subsection (f) and insert the following:

(f) **TERMINATION OF AUTHORITY.**—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

Strike section 1101, redesignate sections 1102 through 1108 as sections 1101 through 1107, respectively, and conform the table of contents accordingly.

Strike sections 1109, 1110, 1111, redesignate sections 1112 through 1119 as sections 1108 through 1115, respectively, and amend the table of contents accordingly.

Strike section 1120, redesignate section 1121 as section 1116, and amend the table of contents accordingly.

Strike section 1102, as so redesignated, and insert the following:

#### **SEC. 1102. CRITICAL INFRASTRUCTURE STUDY.**

The Secretary of Homeland Security shall work with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), led by the University of Southern California, to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical infrastructure information with the Department for homeland security and other purposes.

In section 1103, as so redesignated, strike “and immigration status databases”.

In the heading for section 1103, as so redesignated, strike “AND IMMIGRATION REVIEW”.

In the proposed section 890A(a), as proposed to be added by section 1106 of the bill, as so redesignated, insert after paragraph (2) the following:

“(3) **EXCLUDED PROGRAMS.**—This section shall not apply to or otherwise affect any grant issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).”

Add at the end of title XI the following (and conform the table of contents accordingly):

#### **SEC. 1117. COMPTROLLER GENERAL REPORT ON CRITICAL INFRASTRUCTURE.**

(a) **REQUIREMENT.**—The Comptroller General of the United States shall conduct a study to—

(1) determine the extent to which architecture, engineering, surveying, and mapping activities related to the critical infrastructure of the United States are being sent to offshore locations;

(2) assess whether any vulnerabilities or threats exist with respect to terrorism; and

(3) recommend policies, regulations, or legislation, as appropriate, that may be necessary to protect the national and homeland security interests of the United States.

(b) **CONSULTATION.**—In carrying out the study authorized by this section, the Comptroller General shall consult with—

(1) such other agencies of the Government of the United States as are appropriate; and

(2) national organizations representing the architecture, engineering, surveying, and mapping professions.

(c) **REPORT.**—The Comptroller General shall submit to the Committees on Transportation and Infrastructure, Energy and Commerce, and Homeland Security of the House of Representatives, and to the Senate, by not later than 6 months after the date of the enactment of this Act a report on the findings, conclusions, and recommendations of the study under this section.

(d) **DEFINITIONS.**—As used in this section—

(1) each of the terms “architectural”, “engineering”, “surveying”, and “mapping”—

(A) subject to subparagraph (B), has the same meaning such term has under section 1102 of title 40, United States Code; and

(B) includes services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, or cartographers in the collection, storage, retrieval, or dissemination of graphical or digital data to depict natural or man-made physical features, phenomena, or boundaries of the earth and any information related to such data, including any such data that comprises the processing of a survey, map, chart, geographic information system, remotely sensed image or data, or aerial photograph; and

(2) the term “critical infrastructure”—

(A) means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters; and

(B) includes the basic facilities, structures, and installations needed for the functioning of a community or society, including transportation and communications systems, water and power lines, power plants, and the built environment of private and public institutions of the United States.

Add at the end of title XI the following (and conform the table of contents accordingly):

#### **SEC. 1118. IMPROVING THE NEXUS AND FAST REGISTERED TRAVELER PROGRAMS.**

(a) **MERGING REQUIREMENTS OF NEXUS AND FAST.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall merge the procedures for the programs described in subsection (j) into a single procedure, with common eligibility and security screening requirements, enrollment processes, and sanctions regimes.

(2) **SPECIFIC REQUIREMENTS.**—In carrying out paragraph (1), the Secretary shall ensure that the procedures for the programs known as “NEXUS Highway”, “NEXUS Marine”, and “NEXUS Air” are integrated into such a single procedure.

(b) **INTEGRATING NEXUS AND FAST INFORMATION SYSTEMS.**—The Secretary of Homeland Security shall integrate all databases and information systems for the programs described in subsection (j) in a manner that will permit any identification card issued to

a participant to operate in all locations where a program described in such subsection is operating.

(c) **CREATION OF NEXUS CONVERTIBLE LANES.**—In order to expand the NEXUS program described in subsection (j)(2) to major northern border crossings, the Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall equip not fewer than six new northern border crossings with NEXUS technology.

(d) **CREATION OF REMOTE ENROLLMENT CENTERS.**—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two remote enrollment centers for the programs described in subsection (j). Such a remote enrollment center shall be established at each of the border crossings described in subsection (c).

(e) **CREATION OF MOBILE ENROLLMENT CENTERS.**—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two mobile enrollment centers for the programs described in subsection (j). Such mobile enrollment centers shall be used to accept and process applications in areas currently underserved by such programs. The Secretary shall work with State and local authorities in determining the locations of such mobile enrollment centers.

(f) **ON-LINE APPLICATION PROCESS.**—The Secretary of Homeland Security shall design an on-line application process for the programs described in subsection (j). Such process shall permit individuals to securely submit their applications on-line and schedule a security interview at the nearest enrollment center.

(g) **PROMOTING ENROLLMENT.**—

(1) **CREATING INCENTIVES FOR ENROLLMENT.**—In order to encourage applications for the programs described in subsection (j), the Secretary of Homeland Security shall develop a plan to admit participants in an amount that is as inexpensive as possible per card issued for each of such programs.

(2) **CUSTOMER SERVICE PHONE NUMBER.**—In order to provide potential applicants with timely information for the programs described in subsection (j), the Secretary of Homeland Security shall create a customer service telephone number for such programs.

(3) **PUBLICITY CAMPAIGN.**—The Secretary shall carry out a program to educate the public regarding the benefits of the programs described in subsection (j).

(h) **TRAVEL DOCUMENT FOR TRAVEL INTO UNITED STATES.**—For purposes of the plan required under section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, an identification card issued to a participant in a program described in subsection (j) shall be considered a document sufficient on its own when produced to denote identity and citizenship for travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

(i) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of subsections (a) through (g).

(j) **PROGRAMS.**—The programs described in this subsection are the following:

(1) The FAST program authorized under subpart B of title IV of the Tariff Act of 1930 (19 U.S.C. 1411 et seq.).

(2) The NEXUS program authorized under section 286(q) of the Immigration and Nationality Act (U.S.C. 1356(q)).

#### SEC. 1119. TRAVEL DOCUMENTS.

(a) TRAVEL TO CANADA AND MEXICO.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding at the end the following new paragraphs:

“(3) PASS CARD INFRASTRUCTURE.—The Secretary of Homeland Security shall conduct not less than one trial on the usability, reliability, and effectiveness of the technology that the Secretary determines appropriate to implement the documentary requirements of this subsection. The Secretary may not issue a final rule implementing the requirements of this subsection until such time as the Secretary has submitted to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the results and outcome of such trial or trials. The report shall include data and evidence that demonstrates that the technology utilized in such trial or trials is operationally superior to other alternative technology infrastructures.

“(4) FLEXIBLE IMPLEMENTATION PERIOD.—In order to provide flexibility upon implementation of the plan developed under paragraph (1), the Secretary of Homeland Security shall establish a special procedure to permit an individual who does not possess a passport or other document, or combination of documents, as required under paragraph (1), but who the Secretary determines to be a citizen of the United States, to re-enter the United States at an international land or maritime border of the United States. The special procedure referred to in this paragraph shall terminate on the date that is 180 days after the date of the implementation of the plan described in paragraph (1)(A).

“(5) SPECIAL RULE FOR CERTAIN MINORS.—Except as provided in paragraph (6), citizens of the United States or Canada who are less than 16 years of age shall not be required to present to an immigration officer a passport or other document, or combination of documents, as required under paragraph (1), when returning or traveling to the United States from Canada, Mexico, Bermuda, or the Caribbean at any port of entry along the international land or maritime border of the United States.

“(6) SPECIAL RULE FOR CERTAIN STUDENT MINORS TRAVELING AS PART OF AN AUTHORIZED AND SUPERVISED SCHOOL TRIP.—Notwithstanding the special rule described in paragraph (5), the Secretary of Homeland Security is authorized to consider expanding the special rule for certain minors described in such paragraph to a citizen of the United States or Canada who is less than 19 years of age but is 16 years of age or older and who is traveling between the United States and Canada at any port of entry along the international or maritime border between the two countries if such citizen is so traveling as a student as part of an authorized and supervised school trip.

“(7) PUBLIC OUTREACH.—To promote travel and trade across the United States border, the Secretary of Homeland Security shall develop a public communications plan to promote to United States citizens, representatives of the travel and trade industries, and local government officials information relating to the implementation of this subsection. The Secretary of Homeland Security shall coordinate with representatives of the travel and trade industries in the development of such public communications plan.

“(8) COST-BENEFIT ANALYSIS.—The Secretary of Homeland Security shall prepare an extensive regulatory impact analysis that is fully compliant with Executive Order 12866

and Office of Management and Budget Circular A-4 for an economically significant regulatory action before publishing a rule with respect to the implementation of the requirements of this subsection.”.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of paragraphs (3) through (8) of section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

Strike title XII and conform the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my manager's amendment strengthens H.R. 1684 by adding some things and taking out some others. Ninety-two percent of the provisions that I am seeking to have removed were items offered for the first time in the committee's mark-up. They were good ideas, but we haven't had the benefit of giving these novel ideas the full consideration they deserve.

After the mark-up, I had the opportunity to speak with a number of chairs who had a shared interest in these items. Collaboration is a wonderful thing, Mr. Chairman. In some cases, they offered suggestions to make the bill better. Those changes are contained in this amendment. In other cases, they offered to work together on these issues and other legislative vehicles. So, as a testament to the collaborative spirit of this majority, I offer this amendment.

I am well aware that some of my Republican colleagues are complaining about what my amendment does. I am reminded of what LBJ once told an audience: “Perhaps you can help. Don't just complain, develop a better doctrine.” This Congress, we're developing a better doctrine.

It is important to look at this milestone in context. Let me provide a little lesson on the Committee of Homeland Security's history.

In 2003, the year the committee was created, then Chairman Chris Cox failed to put forth an authorization bill.

In 2004, Chairman Cox scheduled his first markup of an authorization bill but barely got half the committee Republicans to show up. Outnumbered by Democrats, the markup was cancelled after opening statements. Even if the markup had proceeded, it was still 2 months late, as the appropriations bill had passed a month earlier.

In 2005, Mr. Cox was still a day late and a dollar short in getting the bill passed through the House. The appropriation bill still came first.

In 2006, the committee took two steps back. My colleague from New York didn't even mark up an authorization bill until late July, a month and a half after the appropriation bill passed the House. His bill never even went to the floor for a vote. Come on, now. We've all learned Legislation 101, that Congress first authorizes, then appropriates.

Today, under Democratic leadership, we are considering a timely, thorough and thoughtful authorization bill that has the input of numerous committees.

This is the earliest a Homeland Security authorization bill has ever appeared on the floor. It also bears mention that it is on the floor before the appropriations bill. America is not interested in congressional infighting but in getting the job done. We are doing just that.

I urge my colleagues on both sides of the aisle to support my manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I claim time in opposition to the manager's amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. KING of New York. I recognize myself for as much time as I may consume.

Mr. Chairman, I understand the chairman's dilemma. The bottom line is we did pass a very strong bill out of committee. And let's just again delineate some of those provisions which were unanimously agreed to and have been agreed to: Language on maritime alien smuggling; language which would have monitored the activities of foreign students and visitors; biometric identification of illegal aliens; expanding the use of interoperability grants, which is so much needed by our local law enforcement and first responders; authorizing the Secret Service and its functions; increasing the authorizations of the Secret Service to provide security to Presidential candidates; prohibiting grants to universities which bar Coast Guard recruiters. It eliminated a report on Secret Service training facilities. And, as Mr. MCCAUL said before, it eliminated the provision providing for a National Bio and Agro Defense facility.

Also, more significantly, if we go to the heart of the 9/11 Commission, it eliminated the language calling for a sense of Congress that the homeland security be in fact the focal point and the central point when it comes to legislation on homeland security and also when it comes to overseeing the Department of Homeland Security.

Now the chairman has gone back in history to talk about what happened in the past. The fact is, this is a growing committee, and we all have to make decisions. We have to make value-based decisions. We have to make prudent decisions.

I was the chairman last year; and I did not go for an authorization bill

early on in the year because I thought it was important, in establishing the jurisdiction of the committee, that we go forward and adopt the most far-reaching port security bill ever enacted and, in doing so, confronting jurisdictional impediments thrown at us by other committees.

We did that. It was a long, hard fight. It began early spring and wasn't concluded until September, but we did conclude it. And not only did we enact solid legislation, but, as importantly, we were able to establish our jurisdiction at the expense of competing committees. And I say that not as part of a turf battle, but if we are going to have real homeland security, we have to have a real Homeland Security Committee.

Similarly, when it came to restructuring FEMA, which was a mammoth fight here in the Congress last year, we stood strong through May and June and July and into September; and when the final product came out, it again enhanced the jurisdiction of the Homeland Security Committee.

Also, on the issue of chemical plant security, we fought hard on that. We fought hard for our language, and we got it in. It was part of the omnibus appropriation, and that language again established the Committee on Homeland Security as the primary committee on that issue.

□ 1445

So these were all solid steps forward made by the committee.

Now, I understand the chairman's dilemma. I am not here to take cheap shots. I realize how tough this can be. But my point is, when we had such a solid vote, a unanimous vote coming out of committee, I think more should have been done in resisting the efforts of the other chairmen and of the Democratic leadership to strip so many of the provisions. Almost half of the provisions have been stripped out altogether or dramatically modified. So I do see this, unfortunately, as a step backwards. Certainly not a step forward.

I realize the significance of getting the authorization bill done. I am not trying to minimize that. But the fact is, considering the progress we made last year in such significant areas as port security, chemical plant security and the restructuring of FEMA, we could have done better on this authorization bill this year.

Again, I will have to urge a "no" vote on this manager's amendment because of the damage which I believe it does to the Committee on Homeland Security. And also, Mr. Chairman, to send a signal, not to Chairman THOMPSON but to the leadership of the House, that we did come forward on our side. We were willing to stand up to the administration and increase spending by over \$2 billion more than the administration requests and wants. We did that unanimously on the Republican side. We also again worked with Chairman

THOMPSON on the language that he wanted. He worked with us. So we did make that effort at the committee level.

I just wish the same level of bipartisan cooperation was shown at the leadership level of the House of Representatives rather than having the minority excluded altogether, which was never done at the committee level, either under myself or now under Chairman THOMPSON.

Mr. Chairman, with that, I will rest on the eloquence of my previous remarks and yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I insert for the RECORD a letter from the chairman and ranking minority member of the Judiciary Committee in support of our legislation but reserving, under rule X, the jurisdiction of their committee.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, May 1, 2007.

Hon. BENNIE G. THOMPSON,  
Chairman,

Hon. PETER T. KING,

Ranking Minority Member, Committee on Homeland Security, House of Representatives,  
Washington, DC.

DEAR MR. THOMPSON AND MR. KING: We are writing regarding the bill H.R. 1684, the "Department of Homeland Security authorization act for Fiscal Year 2008." We understand that the Committee on Homeland Security intends to report this bill in the next few days, and that it may come to the House floor as early as next week.

H.R. 1684 is an ambitious bill that contains a number of provisions that fall within the Rule X jurisdiction of the Committee on the Judiciary rather than the Committee on Homeland Security. Our Committee was not furnished the text of the bill as it will be reported until almost a month after your Committee approved it, and was not consulted regarding any of the provisions in question. As there is not adequate time now for our Committee to take a referral of this bill and appropriately consider these provisions, we would request that they be removed from the bill before its consideration on the floor.

The provisions in question include: section 305; section 507; section 901; section 904; section 906; section 1104; new subsection (d)(2) of 6 U.S.C. 455 as it would be added by section 1109; section 1110; section 1111; section 1120; section 1121; and all of title XII.

Thank you for your attention to our request.

Sincerely,

JOHN CONYERS, JR.

Chairman.

LAMAR SMITH,

Ranking Minority Member.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KING of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Mississippi will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS  
OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-136.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TOM DAVIS of Virginia:  
Strike section 407.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment will remove from this legislation a very dangerous and costly restriction on the government's ability to obtain protective gear, apparel and other materials that are critical to those charged with protecting our Nation.

Is 9/11 already such a distant memory that we are willing to sacrifice the safety of those protecting our country in order to delude ourselves into believing we are saving jobs? Are there Members of this House who believe we should not be doing everything we can to make sure that our Customs Officers, our Border Patrol agents, our Air Marshals have the best protective gear, the best bulletproof vest, the best body armor available in the world when we go out and purchase this for them? Wherever it is made, we want them to have the best.

Make no mistake about it, a vote against my amendment is a vote to jeopardize the safety and security of the agents and officers protecting our country by restricting the sourcing and our ability to buy the best available around the globe.

What is more, section 407 limits competition, which ends up driving up taxpayer costs, and it limits the Homeland Security Department's ability to obtain the best products to protect our homeland.

Members should not be conned into thinking that domestic source restrictions, "Buy America," save jobs. Time and time again, these shortsighted restrictions have ended up costing us more American jobs than they save, as our trading partners then take retaliatory action against American-made goods and services that we sell abroad. We should remember that we are only 4 percent of the world's consumers here in the United States. Pretty soon, with these kind of source restrictions on what America can buy and sell, we are going to be selling only to ourselves.

Restrictions such as these jeopardize national security; do not make available to us the most modern technologies, the best body armor, the best

bulletproof vests in the world. The highest technology available in the world for ID cards could be eliminated under this amendment. It hamstring market competition by eliminating who can bid on these contracts, it leads to higher prices and lower quality goods and services, and it wastes precious taxpayer dollars.

I think by supporting homeland security, you should support our amendment to strike section 407.

Mr. Chairman, I reserve the balance of my time.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment because section 407 that my colleague wants to strike has one purpose, to strengthen our national security. It is a commonsense provision that says that sensitive materials, uniforms, protective gear, badges and identification cards should be produced and shipped only within the United States of America. It has a flexible provision that contains an exception for when materials are not available domestically of an acceptable quality or at market value. As long as the Secretary certifies that national security will be protected, he may do it. So if one of our allies makes an item of protective gear that is not available domestically, it will still be available to the Department.

Additionally, it does not apply to purchases made outside the United States for use outside the United States. So if an agent or officer is overseas and needs a bulletproof vest or other piece of protective gear quickly, he or she can get it.

Our national security could be compromised if terrorists, smugglers or other would-be counterfeiters had ready access to the Department of Homeland Security's uniforms, protective gear or ID cards.

This amendment would remove or reduce the opportunity for terrorists or others with bad intentions to pose as Homeland Security officials or officers. It is not uncommon for cargo to be hijacked or lost, particularly in the staging areas at our Nation's ports-of-entry.

The potential theft of uniforms, badges or ID cards, by the truckload it could be, poses a clear threat. In years past, there have been several reports on the overseas manufacture of uniforms for the Department of Homeland Security's operational components. Indeed, most Americans would be shocked to learn that Border Patrol uniforms have been manufactured in Mexico and other countries. This ongoing practice raises legitimate security concerns, not only at the border but all across this country, which is what this provision addresses.

For that reason, I oppose this amendment, and I urge my colleagues to join me in rejecting it.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one of the difficulties in our procurement system today in government is that we try to reach too many competing policy goals in the way that we buy goods and services. When we use taxpayer dollars, when we take hard-earned money from our taxpayers and the government needs a good or a service, our purpose ought to be to buy the best good and the best service and get the best value for our tax dollars, period. That is what we do when we buy our cars. That is what we do when we add additions to our home. The government should be subject to the same rules and regulations.

In this particular case, there is no safety issue over where these materials may be made. That is a subterfuge. What this is is an attempt to try to protect American jobs in some ways, and of course, the end result is you lose them in others.

But by reaching these competing goals in procurement through set-asides, where we exclude parts of the economic system from bidding, this "Buy America" language is another effort another effort to restrict competition. We end up driving up costs for the taxpayers. We don't make use, many times, of the best technology. Although there is catch-all language in this and other "Buy America" language that allows the Secretary to certify certain things, in point of fact, they don't work. They are reluctant to do that, and you end up many times with higher-costing goods of the same order. That reduces our ability to use taxpayer dollars wisely.

In a global economy, American taxpayers should get the benefit of the best value when we go out and use our dollars to buy goods and services. Restrictions on competition like this means that tax dollars are limited in their choices. Fewer choices means inferior products. It means greater costs. It means less competition. Section 407 of this legislation restricts competition, and it should be restricted.

My amendment is endorsed by the U.S. Chamber of Commerce, by the Information Technology Association of America as well. I think every taxpayer ought to be concerned about how their tax dollars are spent.

Mr. Chairman, I appreciate the gentleman from North Carolina and his position in the area that he represents, but I just don't think these restrictive source provisions over the long term are in the American taxpayers' interests.

Mr. Chairman, I yield back the balance of my time.

Mr. ETHERIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I admire the gentleman, but I think, in this case, we are talking about an issue that transcends the issues we are talking about. We are talking about the safety and security of American people.

I believe in trade. I have supported it. But there are issues that are paramount to the security and protection of the American people. I think this is one where it goes to the badges and the uniforms that our men and women use to protect Americans' interests.

So, with that, I would urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The question was taken; and the Acting Chairman announced that the yeas appeared to have it.

Mr. ETHERIDGE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

#### AMENDMENT NO. 3 OFFERED BY MR. LANGEVIN

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-136.

Mr. LANGEVIN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. LANGEVIN:

At the end of title XI add the following:

#### SEC. \_\_\_\_ COOPERATIVE AGREEMENT WITH NATIONAL ORGANIZATION ON DISABILITY TO CARRY OUT EMERGENCY PREPAREDNESS INITIATIVE.

The Administrator of the Federal Emergency Management Agency, in coordination with the Disability Coordinator of the Department of Homeland Security and the Office for Civil Rights and Civil Liberties of the Department, shall use amounts authorized under section 101 to enter into a cooperative agreement with the National Organization on Disability to carry out the Emergency Preparedness Initiative of such organization.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am certainly grateful for the opportunity to offer this amendment, which would simply direct officials at the Department of Homeland Security to work with the National Organization on Disability on their Emergency Preparedness Initiative.

We all know that people with disabilities face unique challenges in their daily lives. They range from mobility

impairment to communications barriers, and they can become substantial obstacles in an emergency.

As we take steps to make our Nation a safer place, it is critical to keep in mind that if we neglect issues of accessibility and inclusion in our planning, the problems that surface later will be more complicated, more expensive and, in some cases, could cost people their lives.

After September 11, the National Organization on Disability, or NOD, as it is known, showed tremendous leadership by launching the Emergency Preparedness Initiative, or EPI, to ensure that emergency managers address disability concerns and that people with disabilities are included at all levels of emergency preparedness, planning, response and recovery. Indeed, this time of planning serves all those with special needs, not just individuals with disabilities but also the elderly and other vulnerable populations.

Now, with support from Congress and many in the disability community, EPI has become firmly established within the emergency management industry and among disability advocate organizations.

In my capacity as cochair of the Bipartisan Disabilities Caucus, I have worked closely with representatives from EPI to highlight these issues here on Capitol Hill and throughout the Nation. The work they are doing is a critical component to our national security, and I am proud to support their efforts.

□ 1500

As we work to keep all Americans safe and secure, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I rise to claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I urge its adoption, and I yield back the balance of my time.

Mr. LANGEVIN. Mr. Chairman, I thank the ranking member for his sensitivity and his foresight.

Again, I urge my colleagues to look seriously at this amendment. Again, it is vital that we think ahead of time at what people with special needs may need in an emergency situation. So many people who lost their lives, both on 9/11 and as a result of Hurricane Katrina, were people with disabilities in particular. The tragic loss of life across the board was incredibly sad.

We want to make sure where we can prevent loss of life we do so and made sure that those with special needs are not forgotten and their needs are a forethought rather than an afterthought. That is what EPI is all about. I commend them for their hard work in

putting together their emergency preparedness plans and working with emergency management officials to include the needs of people with disabilities. I urge adoption of the amendment.

Having no further speakers, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-136.

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ANDREWS:  
Insert after section 513 the following new section:

**SEC. 514. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.**

(a) TERMINATION PROHIBITED.—

(1) IN GENERAL.—No employee may be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from or late to the employee's employment for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(2) DEPLOYMENT.—The prohibition in paragraph (1) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(A) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(B) is a volunteer firefighter who—  
(i) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(ii) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(iii) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(3) LIMITATIONS.—The prohibition in paragraph (1) shall not apply to an employee who—

(A) is absent from the employee's employment for the purpose described in paragraph (1) for more than 14 days per calendar year;

(B) responds to the emergency or major disaster without being officially deployed as described in paragraph (2); or

(C) fails to provide the written verification described in paragraph (5) within a reasonable period of time.

(4) WITHHOLDING OF PAY.—An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose described in paragraph (1).

(5) VERIFICATION.—An employer may require an employee to provide a written verification from the official of the Federal

Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(A) the employee responded to the emergency or major disaster in an official capacity; and

(B) the schedule and dates of the employee's participation in such response.

(6) REASONABLE NOTICE REQUIRED.—An employee who may be absent from or late to the employee's employment for the purpose described in paragraph (1) shall—

(A) make a reasonable effort to notify the employee's employer of such absence; and

(B) continue to provide reasonable notifications over the course of such absence.

(b) RIGHT OF ACTION.—

(1) RIGHT OF ACTION.—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in subsection (a) may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

(A) reinstatement of the individual's former employment;

(B) payment of back wages;

(C) reinstatement of benefits; and

(D) if the employment granted seniority rights, reinstatement of seniority rights.

(2) LIMITATION.—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in subsection (a).

(c) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Labor shall conduct a study on the impact that the requirements of this section could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit a report of the study conducted under paragraph (1) to the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

(d) DEFINITIONS.—In this section—

(1) the term "emergency" has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(2) the term "major disaster" has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(3) the term "qualified volunteer fire department" has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986;

(4) the term "volunteer emergency medical services" means emergency medical services performed on a voluntary basis for a fire department or other emergency organization; and

(5) the term "volunteer firefighter" means an individual who is a member in good standing of a qualified volunteer fire department.

Amend the table of contents by adding, after the item relating to section 513, the following new item:

Sec. 514. Termination of employment of volunteer firefighters and emergency medical personnel prohibited.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman



from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I would like to thank those involved in this bipartisan effort for a commonsense idea. I would especially like to thank my new colleague, Ms. SHEA-PORTER from New Hampshire, who has shown great interest in the volunteer fire service; Mr. PASCRELL from New Jersey, who wrote the FIRE Act; the gentleman from Delaware (Mr. CASTLE); and the gentleman from New York (Mr. KUHLE), who has long been interested in this issue. I would also like to thank Mr. Matthew Riggins of my office for his participation on this matter.

Here is what the bill says. If a volunteer firefighter or EMT is called to a national emergency as declared under the relevant statutes and that volunteer responds to a call, not self-volunteers but responds to a call, that person should have protection when they go back to his or her job. They shouldn't be fired, they shouldn't be disciplined, they shouldn't have their pay docked for up to 14 days in each calendar year.

The service that is performed by our volunteer firefighters and EMTs across this country is enormous and enormously important. We believe that none of those individuals should have the burden of suffering problems at work because of their voluntary spirit. Again, one cannot self-volunteer. Again, the emergency must be sufficient in scope for a Presidential declaration.

We believe this makes good sense, and it is a good bipartisan issue, and I urge Members of the House to vote "yes."

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the ranking member from New York for yielding me this time.

I rise in strong support of this amendment. I believe its passage is important to ensure that our local first responders are prepared for major disasters.

Over the years, volunteer firefighters and EMS personnel have repeatedly answered the call of duty. In fact, my home State of Delaware, which is served almost entirely by volunteer firefighters, sent 37 ambulances to New York City on September 11. In the wake of Hurricane Katrina, as fires

spread throughout New Orleans and survivors struggled to find dry land, volunteer firefighters and EMS personnel rose to the occasion and proved to be crucial in the massive rescue operation.

Unfortunately, under current law, volunteer firefighters and EMS personnel are not protected from termination or demotion by their employer when they respond to national disasters.

As a result, just a few weeks after Hurricane Katrina destroyed the gulf coast, a group of us got together here on Capitol Hill to craft this legislation which will make certain that our volunteer responders are more readily available to assist local authorities in major disasters.

This proposal is similar to the job protections given to members of the National Guard who serve their country on the battlefield, and it will go a long way in enhancing our ability to respond to catastrophic events and save lives.

Mr. Chairman, last Congress, we collected over 70 bipartisan co-sponsors on this legislation. I appreciate the support of the gentleman from New Jersey and his introduction of this and all the others who have been involved. I urge Members to support this amendment.

Mr. ANDREWS. Mr. Chairman, I now yield to a new Member who has shown a real affinity for and commitment to these issues in her short time here, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) for 2 minutes.

Ms. SHEA-PORTER. Mr. Chairman, I rise as a proud sponsor of this amendment, the Volunteer Firefighter and EMS Personnel Protection Act. The bill will provide job protection to the brave men and women who volunteer their time as firefighters and EMTs during national disasters.

Some volunteers put their lives on hold to help others. Others literally put their lives on the line.

When Hurricane Katrina hit in 2005, our Nation's emergency services were overcome by the immensity of the disaster. Almost 400,000 people were displaced from their homes. The images of this tragedy will be seared in our minds forever.

In the aftermath of the hurricane, I went down to do a very small part to help those, and I saw the devastation. But in a disaster of the magnitude of Hurricane Katrina or the recent tragedy in Kansas, we need more than an extra pair of hands. When our Nation's emergency services are overwhelmed, we need highly skilled professionals who can step in to provide such help.

More than 800,000 skilled first responders volunteer for such emergencies each year. Volunteer firefighters and emergency medical technicians, EMTs, are a critical part of this effort. They are fighting fires and providing essential medical care. They are saving lives.

But, under current law, when volunteer firefighters and EMTs return to

their homes, there is no guarantee that they will still have their jobs. They can do the right thing for America and find out they are left out in the cold. In effect, when disaster strikes, these first responders are forced sometimes to decide between helping others and having the security of knowing they still have their jobs when they go home.

This amendment would change all that. It would guarantee volunteer firefighters and EMT the right to keep their job when they respond in a national emergency and allow them to volunteer 14 days per calendar year when they act in an official capacity.

Our Nation absolutely needs highly skilled professionals who are willing to leave their homes and their jobs to help save lives. Congress can help support our volunteer firefighters and EMTs. I urge my colleagues to vote "yes."

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. PASCRELL), the author of the FIRE Act.

Mr. KING of New York. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank Mr. ANDREWS and the ranking member, my good friend from New York.

In the book of Isaiah, chapter 6, the question is very specific: Who shall I send?

Volunteers come forward all the time. They come through for us every time. They come through. Three thousand of them came through after 9/11. Thousands and thousands came through after Hurricane Katrina. As we go to the very heart and soul of this great Nation, let us serve these volunteers. Let us serve.

I have spoken with these volunteers not only in New Jersey but throughout this great Nation. They always respond after these tragedies, and I said "thank you." We are saying thank you, and we mean it. We are willing to put it in a law, a law of this Nation.

I am honored to co-sponsor this and join with ROB ANDREWS, who has been a tremendous leader in public safety issues throughout the United States, and CAROL SHEA-PORTER and Mr. CASTLE, real friends of the fire service.

How we respond to catastrophes shows the character of our Nation. How we treat our emergency responders shows who we are as people. We take them for granted. Let's be honest. Congress must do everything in its power to help those who help others.

We have heard about the 14 days a year as they carry out their duties. But, simply put, volunteers should not be penalized when they are off protecting lives of their fellow citizens. No volunteer should be terminated or demoted or discriminated against in their regular job when they are dealing with emergencies and providing vital assistance to the American family.

This amendment ensures that the major contributions of volunteers can and will continue. It ensures that those who have the calling to help will not have to worry about the ramifications of their nobility. It is a wise amendment. It is a bipartisan amendment. I ask for the full support of everyone on this floor.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I did want to thank personally thank the ranking member of the full committee, who is co-Chair of the Congressional Fire Service Caucus, for his support and the chairman of the full committee, Mr. THOMPSON, for his enthusiastic support for this amendment.

Mr. KING of New York. Mr. Chairman, I thank the gentleman from New Jersey (Mr. ANDREWS), Mr. PASCRELL, Mr. CASTLE, and all of the others in the House who support this amendment. Because 9/11 changed our lives in many ways, but one of the most dramatic ways is that it made our first responders and our volunteer firefighters front-line warriors in the war against Islamic terrorism. That is why it is essential that they receive the same protections as our warriors fighting overseas. They are at the front line and deserve our support. I am proud to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. CORRINE BROWN OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-136.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. CORRINE BROWN of Florida:

Insert at the end of title XI the following:  
**SEC. 1122. CONSIDERATION OF TOURISM IN AWARDING URBAN AREA SECURITY INITIATIVE GRANTS.**

In awarding grants under the Urban Area Security Initiative, the Secretary of Homeland Security shall take into consideration the number of tourists that have visited an urban area in the two years preceding the year during which the Secretary awards the grant.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise today to urge my colleagues to support my amendment.

This amendment would direct the Secretary of Homeland Security to consider the number of tourists who have visited an urban area in the 2 years preceding the year the Secretary awards Urban Area Security Initiative Grants.

Urban Area Security Initiative Grants are designed to fund activities to prevent, protect against, and respond to terrorist attacks and catastrophic events in designated high-threat, high-risk urban areas.

□ 1515

The Department of Homeland Security uses a number of factors to allocate funds and assess risks, including special events, theme parks and population. However, a critical element is missing from their list of factors. Homeland Security has yet to explicitly account for tourists as a risk factor when allocating Urban Area Security Initiative Grants.

A recent Congressional Research Service report says due to the potential for mass casualty incidents and economic damage from terrorist attacks, tourist locations are at risk. In addition to the location of tourist destinations, the tourist population could possibly be at risk, too.

Heavy tourist areas present a twofold incentive for terrorists: a high probability of a sizeable number of casualties and damage to the economy. A 2005 study by the Rand Corporation found that terrorists have an increased concentration on civilian targets and an ongoing emphasis on economic attacks.

Most experts agree the evidence shows that terrorists are seeking to kill as many people as possible. The high number of tourists who are staying at any given time in tourist magnets such as Orlando or Miami significantly increases the potential consequence of an attack in those cities. Congress cannot let terrorists exploit this gap in our grant funding.

In addition, the economic danger resulting from a terrorist attack on a tourist location is another incentive. Terrorist attacks depress consumer confidence and spending that hurts businesses, undermines investment and our overall economic condition. Congress must ensure that the Department of Homeland Security considers this incentive for terrorists when distributing Urban Area Security Initiative Grants.

In past years, concerns were raised that the Department did not adequately account for the large tourist population in cities such as Las Vegas, Orlando and San Diego when they calculated the risk for our Nation's urban areas. In fact, in fiscal year 2006, Las Vegas and San Diego were left off the list of the top 35 cities that were eligible to receive grants under the UASI program.

The Department of Homeland Security has been very secretive regarding how Urban Area Security Initiative Grants are allocated. A recent General Accountability Office report stated,

"DHS has not provided us documentation on what analyses were conducted, how they were conducted, how they were used and how they affected the final risk assessment scores and relative rankings."

The Department of Homeland Security has made claims that they consider tourist populations, but the problem is Homeland Security has not been specific regarding risk assessment methods or providing Congress adequate information to prove that they have done so. Although the Department of Homeland Security made administrative changes to the fiscal year 2007 grant process to account for tourist populations, my amendment would clearly codify this change.

I urge my colleagues to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I yield myself as much time as I may consume, and I would say at the outset that my understanding is that this is already factored in by the Department of Homeland Security, the whole issue of tourism. Also, similar language is included in H.R. 1 and S. 4 which currently are ready to go to conference.

Having said that, no harm, no foul. I have no objection to the language. I think it is unnecessary, but having said that, I will not oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentlewoman from Florida has 1 minute remaining.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I yield the remaining time to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Chairman, I thank the gentlewoman, and I commend her for bringing this amendment to the floor.

This amendment is going to accord the kind of protection that tourists deserve and should receive in high-density areas. It is odd that Las Vegas, Orlando and San Diego were not adequately considered. We are talking about \$746.9 million that will be allocated to 46 urban areas.

I strongly support the amendment. It will provide the protection that tourists richly deserve.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I am asking that the ranking member on the other side yield 1 minute to Ms. BERKLEY because I think I am out of time.

The Acting CHAIRMAN. The gentleman from New York (Mr. KING) has already yielded back the balance of his

time. The gentlewoman from Florida (Ms. CORRINE BROWN) does have 28 seconds remaining.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I yield 28 seconds to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank Ms. BROWN for introducing this.

This is essential that we provide the necessary resources for those areas in our country that have a high number of tourists. Las Vegas is home to 1.9 million residents, but at any given time, we have over 300,000 visitors.

Now, God forbid anything should happen, they are not in the formula, but they are the ones that are going to be most needy because they are away from home. They do not know how to access facilities. We need to provide for these people, and I suspect that that is the case at all tourist destinations.

I rise in support of this amendment, which ensures that we take tourism into account when calculating a city's homeland security risk level. The Urban Area Security Initiative (UASI) addresses the homeland security needs of high-threat, high-density Urban Areas, and assists them in preventing, and recovering from acts of terrorism.

Las Vegas, my district, is a rapidly growing city, but it is even bigger when you add the 40 million tourists who visit our city every year. These tourists are particularly vulnerable because they are far from home and aren't familiar with our city. Al Qaeda and other terrorist groups have made it clear they intend to attack our most vulnerable populations, where they can do the most harm to our economy and our confidence.

The areas Mrs. BROWN and I represent are dependent on tourism and the dollars they bring in. It is therefore essential that tourists be included in any risk assessments for homeland security.

And yet, last year, Las Vegas was left off the list entirely due to various data errors and thoughtless criteria. Over 100,000 tourists per day were completely overlooked. I worked with the Department of Homeland Security to ensure that Las Vegas was ultimately included, but there is no guarantee it couldn't happen again.

Thankfully, this amendment would make sure that—by law—tourism would be taken into account when calculating risk. It's the right thing to do, it's the smart thing to do and it's the safe thing to do. I urge support for this amendment and thank the gentlewoman from Florida.

The Acting CHAIRMAN. All time for debate has expired on this amendment.

The question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110-136.

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CASTLE:

At the end of title XI, insert the following:  
**SEC. \_\_\_\_ STUDY OF FOREIGN RAIL SECURITY PRACTICES.**

The Secretary shall—

(1) study select foreign rail security practices, and the cost and feasibility of implementing selected best practices that are not currently used in the United States, including—

(A) implementing covert testing processes to evaluate the effectiveness of rail system security personnel;

(B) implementing practices used by foreign rail operators that integrate security into infrastructure design;

(C) implementing random searches or screening of passengers and their baggage; and

(D) establishing and maintaining an information clearinghouse on existing and emergency security technologies and security best practices used in the passenger rail industry both in the United States and abroad; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing covert testing, practices for integrating security in infrastructure design, random searches or screenings, and an information clearinghouse to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives not later than 1 year after the date of enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer a critical amendment to this legislation before us today.

Yesterday, it was revealed that several individuals operating out of the Philadelphia area had plotted to attack key installations in the Northeast, including Fort Dix, New Jersey, and Dover Air Force Base in my home State of Delaware. While the tremendous work of our law enforcement community prevented these attacks from taking place, this case serves as a clear reminder that terrorists are intent on attacking us wherever we are vulnerable.

One of our greatest vulnerabilities remains our mass transit systems, which move millions of people every year. In fact, terrorists are increasingly targeting rail and transit systems throughout the world, and the recent bombings in India, London and Madrid are clear evidence of this dangerous trend.

While the concept of rail security is relatively new here at home, security officials in Europe and Asia have decades of experience with terrorist attacks, and I have long believed in the importance of leveraging this experience to improve our own system.

In 2003, I asked the General Accountability Office to undertake an in-depth study of foreign rail security practices.

Over the course of several months, the GAO team visited 13 different foreign rail systems, and its subsequent report identified several innovative measures to secure rail systems, many of which are currently being used in the United States.

Most significantly, however, the GAO report identified four important foreign rail security practices that are not currently being used to any great extent in the United States.

First, the report found that other nations had improved the vigilance of their security staff by performing daily unannounced events, known as covert testing, to gauge responsiveness to incidents such as suspicious packages or open emergency doors.

Similarly, two of the 13 foreign operators interviewed by GAO also reported success using some form of random screening to search passengers and baggage for bombs and other suspicious materials. This practice has been used sporadically in the U.S., including in New York City following the 2005 London bombings, but it has never been implemented for any continuous period of time.

The GAO also noted that many foreign governments maintain a national clearinghouse on security technologies and best practices. Such a government-sponsored database would allow rail operators to have one central source of information on the merits of rail security technology, like chemical sensors and surveillance equipment.

Finally, while GAO noted that the Department of Transportation has taken steps to encourage rail operators to consider security when renovating or constructing facilities, many foreign operators are still far more advanced when it comes to incorporating aspects of security into infrastructure design.

For example, this photograph of the London Underground demonstrates several security upgrades, such as vending machines with sloped tops to reduce the likelihood of a bomb being placed there, clear trash bins and netting throughout the station to prevent objects from being left in recessed areas. As you can see, the London stations are also designed to provide security staff with clear lines of sight to all areas of the station, including underneath benches and ticket machines.

The British Government has praised these measures for deterring terrorist attacks, and in one incident, their security cameras recorded IRA terrorists attempting to place an explosive device inside a station. According to London officials, due to infrastructure design improvements, the terrorists were deterred when they could not find a suitable location to hide the device inside the station.

While the GAO acknowledged that deploying these four practices in this country may be difficult, in fact random screening may pose many challenges, it is clear that these foreign security techniques deserve greater consideration.

Therefore, the amendment I am offering today would take steps to improve rail and transit security by requiring the Secretary of Homeland Security to study the cost and feasibility of implementing these practices and submit a report making recommendations to the Homeland Security and Transportation Committees within 1 year of enactment.

Mr. Chairman, recent attacks on rail and transit throughout the world underscore the importance of acting now to upgrade security here at home. My amendment will make certain that we are knowledgeable and consider all available options when it comes to ensuring the safety and security of our rail system.

Mr. Chairman, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I rise to claim the time in opposition to the amendment. However, I do not oppose the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise in support of the amendment.

As chair of the Rail Subcommittee, we have done initial studies, and we have found that we are celebrating the anniversary of the bombing in Madrid, the bombing in London, the bombing in India, and yet the administration has not come forward with recommendations as to how to secure our rail system, how to implement a program to safeguard that we do not have this kind of attack on homeland security here in the United States.

So I strongly support the amendment.

March 11th marked the third anniversary of the train bombings in Madrid, and we have seen terrorist attacks in London and India in each year since. Yet the Bush Administration and past Republican leadership has done little to protect our Nation's freight rail or the millions of passengers that use public transportation every day.

The anniversary of this terrible tragedy again raises the serious question of whether we are prepared in this country for a similar attack. Sadly, that answer is a resounding NO. But with the passage of this legislation, we will start investing the money that is needed to safeguard our rail and transit infrastructure from those who wish us harm.

The Federal Government has focused most of its attention on enhancing security in the airline industry and has largely ignored the needs of public transit agencies and railroads. Yet, worldwide, more terrorist attacks have occurred on transit and rail systems since 9/11 than on airlines.

In 2006, we dedicated \$4.7 billion to the airline industry for security, while 6,000 public transit agencies and one national passenger railroad, Amtrak, had to share a meager \$136 million total for security upgrades. Nothing was provided to the 532 freight railroads for security upgrades.

Fortunately for the traveling public, the legislation on the floor today will address the security challenges facing our Nation's transit and rail systems.

This bill requires comprehensive security plans; strengthens whistleblower protections for workers; mandates security training; improves communication and intelligence sharing; authorizes a higher-level of grant funding for Amtrak, the freight railroads, and public transportation providers; and provides funding for life-safety improvements to the tunnels in New York, Boston, and Washington, DC.

Most importantly, it helps make sure our communities, our First Responders, and our transit and rail workers are safe and secure. And it does all of this through a coordinated effort between the Department of Homeland Security and the Department of Transportation, the agency that has the expertise to deal with transportation safety issues.

We are way behind many other countries in protecting our transit and rail systems, but with the new leadership in Congress and this comprehensive legislation, we have a plan that will protect millions of transit and rail passengers and the communities through which freight railroads operate from harm, while keeping the trains running on time.

I encourage all my colleagues to do the right thing for your constituents and support this long overdue rail and transit security legislation.

Mr. CASTLE. How much time do I have left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Delaware has 1 minute remaining.

Mr. CASTLE. Mr. Chairman, let me just close by thanking those on the other side who have spoken in favor of the amendment and for their support of it. I truly believe that this is a small but a very significant step perhaps in preventing terrorism in mass transit in the United States. It is the reason I hope we all can support it.

Mr. Chairman, I yield back the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to, if I may, extend, my greatest appreciation to Mr. CASTLE for bringing this amendment to the floor. It is very thoughtful, and it is very timely.

Mr. Speaker, we must learn from the experiences of others. This amendment will provide us an opportunity to study the best practices available and to benefit from these practices by implementing policies and procedures within our country that will help to secure our rail system.

This is a good amendment, and I strongly urge my colleagues to support it. And again, I commend the gentleman for bringing it to the floor.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate on the amendment having expired, the question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

□ 1530

AMENDMENT NO. 7 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110-136.

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HASTINGS of Florida:

At the end of title XI, insert the following:

**SEC. 221. FEMA RECOVERY OFFICE IN FLORIDA.**

(a) ESTABLISHMENT.—To provide eligible Federal assistance to individuals and State, local, and tribal governments affected by Hurricanes Charley, Frances, Ivan, Jeanne, Wilma, Tropical Storm Bonnie, and other future declared emergencies and major disasters, in a customer-focused, expeditious, effective, and consistent manner, the Administrator of the Federal Emergency Management Administration shall maintain a recovery office in the State of Florida for a period of not less than three years after the date of enactment of this Act.

(b) STRUCTURE.—The recovery office shall have an executive director, appointed by the Administrator, who possesses a demonstrated ability and knowledge of emergency management and homeland security, and a senior management team.

(c) RESPONSIBILITIES.—The executive director, in coordination with State, local, and tribal governments, non-profit organizations, including disaster relief organizations, shall—

(1) work cooperatively with local governments to mitigate the impact of a declared emergency or major disaster; and

(2) provide assistance in a timely and effective manner to residents of Florida and other States as determined appropriate by the Administrator for recovery from previous and future declared emergencies and major disasters.

(d) STAFFING.—Staffing levels of the recovery office shall be commensurate with the current and projected workload as determined by the Administrator.

(e) PERFORMANCE MEASURES.—To ensure that the recovery office is meeting its objectives, the Administrator shall identify performance measures that are specific, measurable, achievable, relevant, and timed, including—

(1) public assistance program project worksheet completion rates; and

(2) the length of time taken to reimburse recipients for public assistance.

(f) EVALUATION.—The Administrator shall evaluate the effectiveness and efficiency of the recovery office in the State of Florida in meeting the requirements of this section. Not later than three years after the date of enactment of this Act, the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives on whether continuing to operate such office is necessary.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to the Department of Homeland Security

bill which would establish in statute, a FEMA Office of Long-Term Recovery in Florida for a period of no less than 3 years.

FEMA initially opened an Office of Long-Term Recovery in Florida following the devastating 2004 hurricane season, which left my home State in peril following the landfall of four Category 3 or greater hurricanes. The results have been incredible, and it hasn't only been residents of my State who benefited from the work that FEMA is doing in Florida and elsewhere.

Since it was created, the office has reduced response times to disasters and helped to mitigate the impact of future storms.

In the first months of the office's existence, FEMA officials were successful in more than doubling public assistance reimbursements from \$1 billion to \$2 billion. Moreover, the full-time recovery staff, well versed in State and Federal and local policies, was able to rectify the mistakes made by previous emergency management teams.

The permanencies of the staff and the relationships they have cultivated with local governments, nonprofits, communities and Federal officials have reduced FEMA's response time to disasters, saving taxpayers' dollars and lives, while reducing confusion.

From this office, more mitigation funds have gone out to recipients than ever before in FEMA's history. The office also closed down two large-scale housing missions, something never accomplished in all of FEMA's history. Florida's Office of Long-Term Recovery has made FEMA more of a customer-oriented business, where citizens and government alike are better served by more responsive managing.

Congress has already established long-term recovery offices in Mississippi, Louisiana, Alabama and Texas, and rightly so. It would be appropriate that we officially establish a similar one in Florida to serve the State and region. Footnote there, there is a storm off the east coast that has now been named, which is indicative of the fact that we can expect not only Florida but the areas mentioned to continue to have this problem. It is the eve of hurricane season; and the House, acting today, could not be more timely.

Before I conclude, I want to thank the chairman and ranking member of the Homeland Security Committee and the Transportation and Infrastructure Subcommittee. I would like to especially thank, personally, Mr. THOMPSON of Mississippi and Mr. OBERSTAR and my good friend from New York (Mr. KING) and Mr. MICA for their help on this amendment. They all know the great benefit that this office provides for the State of Florida and the entire region, and I ask for my colleagues' support.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I commend the gentleman from Florida. I support his amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110-136.

AMENDMENT NO. 9 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110-136.

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. STUPAK:

At the end of title IX, add the following:

**SEC. 908. REPORT ON INTEGRATED BORDER ENFORCEMENT TEAM INITIATIVE.**

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress on the status of the Integrated Border Enforcement Team (IBET) initiative. The report should include an analysis of current resources allocated to IBETs, an evaluation of progress made since the inception of the program, and recommendations as to the level of resources that would be required to improve the program's effectiveness in the future.

In the table of contents, insert after the item relating to section 907 the following:

Sec. 908. Report on Integrated Border Enforcement Team initiative.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. I want to thank Chairman THOMPSON and the Homeland Security Committee for their work on this bill. I think it's an excellent piece of legislation and will go a long way towards making the Department of Homeland Security more accountable and effective.

Mr. Chairman, I rise to ask my colleagues to support my amendment to H.R. 1684, which would require the Secretary to conduct a study on ways to improve the effectiveness of the Integrated Border Enforcement Team, or IBET program. IBETs are already one of the border's great security success stories of the post-9/11 era. The program grew out of a history of informal cooperation between American and Canadian border protection officers.

In December 2001, the IBET concept was made official as part of the Smart Border Declaration signed by the United States and Canada. As a former

law enforcement officer, I know that access to timely, reliable information is one of the most effective, important tools an officer can have. IBETs allow law enforcement officers from along our northern border to collaborate in real time and share information and expertise with their Canadian counterparts.

This strategy has paid off along our northern border. In the past year alone, IBETs helped to break up several organized criminal operations that were smuggling drugs and people into the United States, leading to dozens of arrests and confiscation of millions of dollars in drug and cash.

I have seen firsthand how important this program is to local border protection officers. One of the 15 current IBET sites is in my district in Sault Ste. Marie, Michigan.

The IBET consists of area law enforcement officers from the United States and Canada, including cooperation with county and local police officers, Customs and Border Protection agents, the Coast Guard and Canadian border officers and police officers. The officers involved in this IBET have been unanimous in telling me how much IBET has improved their ability to police the border and make our homeland more safe and secure.

I am concerned, however, that the potential of the IBET has not been fully realized at Sault Ste. Marie and other sites. The Department of Homeland Security has not assigned a full-time officer to monitor and lead the IBET, instead defining IBET as "collateral duty" for an officer who already has a full-time job. The previous IBET chairperson was transferred to a post in Miami, leading to a loss of valuable institutional knowledge.

Finally, there is no specific funding line for IBET activities; and direct funding has been minimal, in fact, only \$5,000 for 15 IBETs for 2006.

My amendment would require the Secretary to report to Congress on the resources currently being devoted to the IBET program. In addition, the amendment asks the Secretary to make recommendations to Congress on how to make the IBET program even more effective in the future. It is clear that when the IBET program is fully funded and staffed it can be a powerful tool for law enforcement. My amendment is intended to improve accountability and oversight for the IBET program and ensure that all IBETs, not just some, receive the resources they need to be truly effective.

Once again, I would like to thank the chairman and the ranking member for their outstanding work on this bill and for their willingness to support this amendment. I urge support of the Stupak amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I recognize myself for as much time as I may consume.

Mr. Chairman, I want to commend the gentleman from Michigan for this amendment and for bringing his law enforcement expertise to the Congress in so many ways for so many years. I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. STUPAK. I appreciate the comments from Mr. KING, and I yield the remaining time to Mr. GREEN, my friend from Texas.

Mr. AL GREEN of Texas. How much time do I have, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Texas is recognized for 1½ minutes.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to commend Mr. STUPAK for this outstanding amendment. This amendment is one of our best bets; and, hence, I think IBET is a great way to style the team that will be working.

This amendment will accord us an opportunity to have Customs enforcement, the Coast Guard, the immigration authority, Border Patrol, the Royal Canadian Mounted Police all work together to help thwart and hopefully end any human trafficking, drug trafficking, and cross-border terrorist activities that may take place.

This is a very thoughtful amendment. It provides an opportunity for our countries, Canada and the United States, to work together in the best effort possible to secure the northern border.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. HASTINGS  
OF WASHINGTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110-136.

Mr. HASTINGS of Washington. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HASTINGS of Washington:

In section 801, amend paragraph (7) to read as follows:

(7) a plan for leveraging the expertise of the National Laboratories, the process for allocating funding to the National Laboratories, and a plan for fulfilling existing National Laboratory infrastructure commitments to maintain current capabilities and meet mission needs; and

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, this amendment would require the Department of Homeland Security,

or DHS, to report on a plan for fulfilling its infrastructure commitments at our national laboratories.

I want to thank my two Washington State colleagues, Mr. NORMAN DICKS and Mr. DAVE REICHERT, a member of the committee, for their co-sponsorship of this amendment.

This amendment ensures that national laboratory infrastructure changes will not interrupt security programs needed by DHS.

When DHS was established, it inherited facilities around the Nation and from other agencies, some of which were aging and in need of repair. These capital facilities include critical components involving radiological and nuclear countermeasures, threat vulnerabilities and threat assessments, as well as work on biological and chemical countermeasures. In order for DHS to carry out its mission to protect our Nation, it is critical that the Department have the facilities that it needs.

At the Pacific Northwest National Laboratory, PNNL, in Washington State, critical DHS research and development will be transferred to new facilities as existing labs are torn down for environmental cleanup activities at the 300 Area of the Hanford Federal nuclear site in my district.

In 2006, the DHS Under Secretary for Science and Technology signed an MOU with the Department of Energy and National Nuclear Security Administration that established funding commitments for the agencies involved in the transition of PNNL's facilities from the 300 Area to new lab space. This MOU underscores DHS's critical role in making sure national security related work at PNNL will not be interrupted by this transition.

This amendment I have introduced is not only important to the State of Washington and my constituents but also to our overall national security. I understand that this has been accepted on both sides, and I want to thank Chairman THOMPSON and Ranking Member KING for agreeing to agree with that.

Mr. Chairman, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to claim time in opposition to the amendment. However, I do not oppose it and, in fact, would like to say a word, if I might, in support of it.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. AL GREEN of Texas. I think this is an appropriate amendment that Mr. HASTINGS has brought to the attention of the House. It is most appropriate that we have a strategic plan that would provide some leverage such that the expertise of the national lab can be properly utilized.

This is a national plan. It is one that is most appropriate, and we support it. We commend the gentleman for bringing it to the attention of the House.

Mr. HASTINGS of Washington. Mr. Chairman, I yield to the ranking member from New York.

Mr. KING of New York. I thank the gentleman from Washington for yielding. I commend him for this amendment, and I strongly urge its adoption.

Mr. DICKS. Mr. Chairman, I am pleased to join the gentleman from Washington, Mr. HASTINGS, in amending H.R. 1684 to emphasize what we believe is an important connection between our national research laboratories and the Department of Homeland Security, DHS.

Our amendment would simply insert in the bill a requirement of the Department to report to Congress about its plan for "leveraging the expertise of the National Laboratories, the process for allocating funding to the National Laboratories and . . . for fulfilling existing National Laboratory infrastructure commitments to maintain current capabilities and mission needs."

I believe the national labs represent a tremendously valuable resource that can and should be used by the Department of Homeland Security to protect our population. With expertise in biological, chemical, radiological and nuclear science and technology and computer and information science the national laboratories—those controlled by the Homeland Security Department as well as the laboratories under the jurisdiction of the Department of Energy—can play a vital role in the prevention, deterrence, detection, mitigation and attribution of the use of weapons of mass destruction. DHS has already initiated a series of cooperative arrangements with several of the labs recognizing the great synergy that is possible through combined research efforts.

Congressman HASTINGS and I have been working on one such cooperative program with the Pacific Northwest National Laboratory, PNNL, in the State of Washington. Under a Memorandum of Understanding, the Department of Homeland Security, the Energy Department's National Nuclear Security Administration and DOE's Office of Science are contributing to PNNL's Capability Replacement Laboratory, CRL, to replace mission critical RDT&E capabilities that will be otherwise lost as a result of the Department of Energy Environmental Management Office's accelerated cleanup of Hanford's 300 Area. Among the capabilities of the CRL that should and will be utilized by DHS are radiation detection and analysis, information analytics, and the testing, evaluation and certification of new methods and technologies.

According to the interagency MOU signed by all parties, DHS was expected to provide \$25 million for the project in FY 2008; however, the President's budget does not include the funds. With construction scheduled to begin this year, we are now worried about the future of this project due to the lack of attention to this issue at DHS.

Although Congressman HASTINGS and I are working to correct this situation in the FY 2008 budget, I believe this situation highlights the need to examine more closely the relationship of the labs to the Department's R&D effort. Thus, our amendment calls for a report to Congress on the Homeland Security Department's strategic plan for its research efforts to include a plan for fulfilling existing national laboratory infrastructure commitments in order to maintain current capabilities and mission needs.

Our hope is that such a public clarification of the role of the labs can help the Department to make a stronger case to Congress for



the importance of the work at PNNL as well as the other important national research laboratories.

Mr. HASTINGS of Washington. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

□ 1545

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110-136.

#### PARLIAMENTARY INQUIRY

Mr. KING of New York. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman from New York is recognized for his parliamentary inquiry.

Mr. KING of New York. Mr. Chairman, can you tell us the current status of the Committee of the Whole, what is being considered at this time?

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110-136.

It is now in order to consider amendment No. 13 printed in House Report 110-136.

It is now in order to consider amendment No. 14 printed in House Report 110-136.

#### AMENDMENT NO. 15 OFFERED BY MR. TERRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110-136.

Mr. TERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. TERRY:

At the end of title XI add the following:

#### SEC. \_\_\_\_ REQUIREMENT TO CONSULT STATES REGARDING GRANT AWARDS.

Before the release by the Department of Homeland Security of any information regarding the award of any grant to a State with amounts authorized under section 101, including before submitting to Congress any list of such grant awards, the Secretary of Homeland Security shall consult with States.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I appreciate the recognition.

This is a rather simple and focused amendment that recognizes that our Homeland Security Department has had difficulties communicating to its partners. My Governor called me last year when the press showed up in his office and wanted an answer about a grant and no one had notified the Governor's office. We contacted the National Governor's Association, NGA, and found out that this is a very deep and epidemic problem with our Department of Homeland Security.

So all that we are asking in this amendment is that in regard to grants that affect the State, that the State be put into the communication loop so when reporters show up at their office asking for comment, they actually know what the reporters are talking about.

I think it is egregious that reporters get to be notified sooner than the grant recipient or the State that was denied the grant.

Mr. Chairman, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I rise in opposition to the amendment; however, I do not oppose the amendment and would support it.

The Acting CHAIRMAN. The Member from Texas is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Chairman, let me say simply that I thank the Member for bringing this amendment to the attention of the floor of the House and would encourage my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Mr. TERRY. Mr. Chairman, with that very articulately stated and persuasive argument, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

#### AMENDMENT NO. 16 OFFERED BY MR. KING OF NEW YORK

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 110-136.

Mr. KING of New York. Mr. Chairman, can you just tell me what amendments have gone by and what amendments are coming up now?

The Acting CHAIRMAN. We are on amendment No. 16.

Mr. KING of New York. Mr. Chairman, I will ask to be the designee of Mr. MICA.

The Acting CHAIRMAN. The gentleman is recognized as the designee of Mr. MICA.

It is now in order to consider amendment No. 16 printed in House Report 110-136.

Mr. KING of New York. Mr. Chairman, I am introducing the Mica amendment as his designee.

The Acting CHAIRMAN. Without objection, the Clerk will designate the amendment.

There was no objection.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. KING of New York:

In section 1102(a) of the bill, after "The Secretary of Homeland Security" insert "and the Secretary of Transportation".

In section 1102(a) of the bill, strike "the Department of homeland security" and insert "the Department of Homeland Security, the Department of Transportation,"

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from New York (Mr. KING) and a Mem-

ber opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment adds the Secretary of Transportation to a study to increase incentives for the sharing of critical infrastructure information with the Department of Homeland Security.

The Homeland Security Act of 2002 included the Critical Infrastructure Act in title II. All agencies will benefit from this study. I know that Congressman MICA has put effort into it. It has, my understanding, bipartisan support.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim the time in opposition, and I am opposed to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the gentleman's amendment. And might I indicate, because I know Members are in their offices working and committees, and deliberations on the floor are instructive to the Members and their staff, make it very clear of the cooperative and collaborative relationship that the Homeland Security Committee has had with the Transportation and Infrastructure Committee, along with many other committees. Let me reemphasize the very strong working relationship of the chairman of the Homeland Security Committee and the chairperson of the Transportation Committee.

So this amendment is unnecessary. We have worked closely together on this bill and on many issues. I specifically remember the close relationship that we had in working on the rail security bill, where we are jointly responsible for securing the Nation's transportation system or rail transportation system.

This amendment, though possibly well-intended, unnecessarily creates a bureaucratic and burdensome process to what should be a simple study.

Let us be reminded of the 9/11 Commission. The 9/11 Commission wanted to emphasize the ending of bureaucratic red tape. That is why we have the Homeland Security Department and the Homeland Security Committee.

Specifically, this amendment seeks to add the Secretary of Transportation to a study on incentives to secure critical infrastructure information for private stakeholders. Mr. Chairman, we all know what happens when we have too many cooks in the kitchen. We also know that we have a working relationship between our committees and between the Members of this Congress, and also a duty and responsibility to Homeland Security Committee to ensure the securing of this Nation

through the securing and the responsibilities of the Homeland Security Department. Adding more layers to a project like this only assures that the project will not get done in a timely manner.

The Secretary of Homeland Security is charged with working to identify and help with other agencies and protect critical infrastructure. That is a component of our committee and the subcommittee that was set up by the chairman of this committee and the subcommittee that I serve to ensure efficiency. The Secretary of Homeland Security by himself is more than capable of working to complete a study of incentives, infrastructure, stakeholders, to share information with the government.

For these reasons, I oppose this amendment. And I would simply say to my colleagues, what did the 9/11 Commission dictate or ask us to do? Thoughtfully streamline the process of securing America and make sure that we are attentive, we are efficient, and we get the job done. Lives are at stake.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield the balance of my time to the author of the amendment, Mr. MICA.

Mr. MICA. Mr. Chairman, I thank the ranking member for yielding me time and also for presenting my amendment.

My amendment would have required that the Department of Transportation participate in the infrastructure study that is required by this legislation. My amendment ensures that the government transportation experts are fully utilized to identify cost-effective measures for protecting critical infrastructure. Right now, as the bill is drafted, it is just limited to Homeland Security leading that effort.

Because our highest risk in this center is involved in addressing risks, terrorist risks, our highest risks are transportation and infrastructure under the jurisdiction of the Department of Transportation, it would only be logical to include them in this effort. I believe the bill as drafted was a mistake, and why the Congress would require a critical infrastructure study like this and not include the Federal agency that has the expertise and the private sector relationships necessary to get the job done. So, again, I have concerns about doing this further directive by the bill.

If you stop to look at what the risks are as far as terrorist risks: Look at the 1993 bombing of the World Trade Center; look at the 1995 Tokyo subway sarin gas attack; look at the Oklahoma City bombing against an infrastructure facility; look at the 9/11 attack using aviation transportation equipment on the World Trade Center and on the Pentagon; look at the Madrid train bombings; look at the London underground train and bus bombings.

What do they all have in common? They have in common transportation.

What does the provision that they have included in this bill have in it? Homeland Security, with no participation with the Department of Transportation. The Department of Transportation also handles these transportation and infrastructure issues and really should be a part of this study if it in fact goes forward.

Now, consider some of our greatest concerns, attacks on hazardous materials, pipelines, chlorine gas, tank cars and transit systems. These are all areas regulated by DOT. And they want to leave them out of this study. The DOT has a long working relationship with all of these transportation and infrastructure issues, and I believe DOT would be a vital partner in assessing the risks and economic analysis associated with the terrorist attacks on our critical infrastructure.

And part of the study here is to find out how to get the private sector to participate in this. Who else would be better equipped, a bureaucracy of 177,000 or whatever it is up to, 200,000, in Homeland Security that doesn't have a clue or people who actually work with people in transportation, on transportation projects and with those projects and systems that may be at risk?

Including DOT will help us avoid problems like throwing billions of dollars at transit systems without understanding its impact on our economy and mobility.

I should point out finally that DOT is already involved in some of the critical infrastructure planning, and my amendment is simply an extension of that effort. It is a reasonable amendment. It doesn't replace or duplicate the Department of Homeland Security or diminish their role over these critical infrastructure protection efforts. And if other appropriate agencies or sectors are being left out, I think they should also be included in the effort. But to leave out DOT is to leave out the success that we need to make any kind of study or future partnership of working together to address terrorist risks and threats.

□ 1600

So I thank also Ms. CASTOR from my State of Florida for offering an amendment today.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman.

Let me just simply say to my good friend, nothing precludes the engaging by the Homeland Security Department of those who have a stakeholder's role. Remember, this is an assessment of critical infrastructure on the issue of security.

The rules of the House designate the Homeland Security Committee as the committee that deals with the question of security. In addition, none of us work in a vacuum; and we would expect this center of excellence to engage those necessary parties.

This amendment is opposed by the committee. This amendment will cre-

ate another layer of bureaucracy. This amendment goes against the 9/11 Commission, which has asked us to be efficient and to be definitive on our questions of security issues. And what we are attempting to do is to allow the Homeland Security Department to do its job, which creates a center of excellence to focus on the security protection measures for critical infrastructure, a defined responsibility of the Homeland Security Department. And we simply expect that there will be a collaborative working on that such that no Department, Mr. Chairman and my colleagues, will be left out, including the very important Department of Transportation. And we would look forward to collaborating with them.

And, in that regard, I rise to vigorously oppose the amendment and ask for a "no" vote.

Ms. JACKSON-LEE of Texas. I rise in opposition to the gentleman's amendment. This amendment—while well-intended—unnecessarily creates a bureaucratic and burdensome process to what should be a simple study.

Specifically, this amendment seeks to add the Secretary of Transportation to a study on incentives to secure critical infrastructure information from private stakeholders.

Mr. Chairman, we all know what happens when we have too many cooks in the kitchen.

Adding more layers to a project like this only assures that the project will not get done in a timely manner.

The Secretary of Homeland Security is charged with working to identify and help, with other agencies, protect critical infrastructure.

The Secretary of Homeland Security by himself is more than capable of working with CREATE to complete a study of incentives for infrastructure stakeholders to share information with the government.

For these reasons, I oppose this amendment.

The Acting CHAIRMAN. All time on the amendment having expired, the question is on the amendment offered by the gentleman from New York (Mr. KING).

The amendment was rejected.

AMENDMENT NO. 17 OFFERED BY MR. CARDOZA

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 110-136.

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. CARDOZA:

At the end of title XI add the following:

**SEC. \_\_\_\_ SENSE OF THE CONGRESS ON INTEROPERABILITY.**

It is the sense of the Congress that efforts to achieve local, regional, and national interoperable emergency communications in the near term should be supported and are critical in assisting communities with their local and regional efforts to properly coordinate and execute their interoperability plans.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from California (Mr. CARDOZA) and a member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, my amendment is a simple sense of Congress stressing the importance of interoperability in emergency communications.

We all know the importance of overcoming interoperability problems, which have been prevalent for years but only brought to light due to the 9/11 tragedy.

In this day and age, Mr. Chairman, it is critical that our first responders be able to communicate with each other in the field. The reality, however, is that firefighters, police and other emergency responders simply cannot communicate during times of emergency.

For example, police chiefs in my district have informed me that officers are forced to communicate on their cell phones literally from across the street because their radios cannot operate on the same frequency; and, recently, radio communications were ineffective and created an extremely dangerous situation in the 2006 canyon fire that devastated 34,000 acres in the western portion of Stanislaus County.

The need for improved emergency communications is not new. Whether we are talking about wilderness, wildfires, hurricanes or other disaster, or even day-to-day events, the same interoperability problems exist for the large communities as they do for the smallest.

Large cities are receiving the bulk of homeland security funding for interoperable communications. In many instances, that is rightly the case. But interoperability is a problem that permeates across the country and also affects our smaller communities. Smaller communities face the exact same problems, yet only receive a fraction of the funding and the attention that they need. As a result, smaller communities are left behind and are forced to do the best they can with what they've got.

In Stanislaus County, for example, the county was able to build the architecture for one channel through which all responders in the field can communicate. However, only one person can talk at a time. We can and need, Mr. Chairman, to do better.

The point of this amendment is simply to stress the importance of achieving local, regional and national interoperability plans and the impacts they have on the ongoing efforts in communities across the country.

Simply stated, localities and smaller communities matter as well, and their efforts to address interoperability should not be ignored by the Department of Homeland Security.

I want to make one other statement, Mr. Chairman. In the year 2000, FEMA

issued a report that outlined the three greatest disaster scenarios that might befall the United States: a terror attack in New York, a hurricane that would hit New Orleans, and an earthquake on the Hayward fault in the east bay of California that would affect the California delta and flood massive lands near my area.

Well, the first two scenarios have, in fact, taken place, as we all know, and the third is still a very grave possibility. If, in fact, we have an earthquake on the Hayward fault in Northern California, the evacuation area would very likely be my area. Another area affected would be the San Joaquin delta in San Joaquin County.

All of this needs to be addressed, Mr. Chairman, and interoperability is the third awaiting disaster that could hit us anytime with an earthquake.

Mr. Chairman, I ask that we adopt this amendment and that Homeland Security help prepare California for the third disaster that FEMA's already noted could befall the United States at any time.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I rise to claim the time in opposition.

Mr. Chairman, I yield myself such time as I may consume.

I don't intend to oppose the amendment. My only concern is, as I understand it, this is an amendment expressing the sense of Congress. The language, which is actually my language in the bill which passed the full committee, actually would have called for the implementation and not just the sense of Congress; and this, to me, is another deficiency in the bill and that we are taking, at best, a half step forward. We could have taken the full step.

Having said that, I certainly agree in spirit with the amendment. Certainly this is better than nothing. And with that, I will urge the adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for, again, his outstanding spirit of bipartisanship.

I think the importance of Mr. CARDOZA's amendment is that he agrees with the Homeland Security Committee and the message and the mission of yourself and Mr. THOMPSON and all of the Members that, in addition to just handing out equipment, you want to make sure there's a continuing of training, professional development, understanding of the system. And it really impacts firefighters, police, other emergency responders who cannot communicate during times of emergency. We know what happened in 9/11.

Let me just finish by saying, one of the other elements of helping us work

through this question of interoperability is, as your amendment suggests, focusing on local and regional interoperability communications efforts and, particularly, and I raise this point for a city like Houston, that simply says, let us use the dollars, let us directly use the dollars so that we can follow the pathway of Mr. CARDOZA's amendment, which is to improve our interoperable communication efforts. Let us get the monies directly, as opposed to the layering that goes on through the State system.

But, in any event, let me thank the gentleman for his amendment.

The need for improved emergency communications is not new. Whether we are talking about the Oklahoma City bomb detonated by homegrown terrorist Timothy McVeigh, September 11, or Hurricanes Katrina and Rita—the same story emerged.

Firefighters, police, and other emergency responders cannot communicate during times of emergency.

Five and one-half years after the 9/11 attacks, and 1½ years after Hurricanes Katrina and Rita, the Department still does not have a dedicated interoperability grant program.

Subsequently, states and localities are forced to rob Peter to pay Paul by using large chunks of homeland security grant funding—in some instances 80 percent—to purchase communications equipment instead of securing bridges, ports, buildings.

The FY 2006 Budget Reconciliation Act created a \$1 billion interoperability grant program to be administered by the Department of Commerce based on the proceeds from the sales of the 700 Mhz spectrum.

While that is a good start, the 9/11 Commission has called on Congress to prioritize and improve interoperable emergency communication.

Buying equipment is not enough!

Congress must support State, local and regional interoperable communication plans that recognize all of the critical factors for a successful interoperability solution.

Those factors are part of the SAFECOM Interoperability Continuum. They are: governance, standard operating procedures, training and exercises, and usage, in addition to technology.

We cannot just throw money at interoperability—we have to develop a strategic, national plan to improve interoperable communications.

The Administration and DHS officials have testified that the cost of achieving interoperability will cost in the tens of billions to \$100 billion.

More than 90 percent of the public safety communication infrastructure in the United States is owned and operated at the local and state level. Therefore, we must have improved coordination, training, and planning across many jurisdictions to achieve interoperability.

According to Project SAFECOM at DHS, interoperability directly impacts the first responder community which consists of over 61,000 public safety agencies including 960,000 Firefighters, 830,000 EMS personnel, and 710,000 Law Enforcement Officers.

The Federal government must show leadership on this issue if it is going to tell state and local governments that they need to enhance and improve their emergency communications capability.

Funding is only one-half the solution for the interoperability crisis. There must be leadership by all the key stakeholders to sit down and develop the plans necessary to create effective nationwide interoperable communication standards.

This amendment provides support to the local governments and regions that are developing plans and systems that will better enable multi-jurisdictions to communicate during times of emergency.

The Cardozo amendment will encourage jurisdictions to move toward a truly "national" emergency communications capability.

This is an excellent amendment, and we rise to support it.

I yield back to the distinguished gentleman.

Mr. KING of New York. Reclaiming my time from the gentlelady from Texas, I always admire her eloquence and her kind words.

And, as I said, I appreciate what the gentleman is doing. I support it. I just wish we could have had the stronger language that was in the initial legislation.

But, having said that, I commend the gentleman from California and urge the adoption of his amendment.

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to my colleague from Michigan, Mr. STUPAK.

(Mr. STUPAK asked and was given permission to revise and extend his remarks.)

Mr. STUPAK. Mr. Chairman, the key words to this whole amendment are "in the near term." Unfortunately, it's been 25 years since the Air Florida accident. We've been talking about interoperability, and nothing ever gets done.

The time for studies and promises are over. If you listen to the program that DHS has, according to them, it will take us 20 years and \$100 billion to achieve interoperability. That is not the case at all. We don't need 20 years. We don't have 20 years to wait in this country to have interoperability.

Last Congress, we passed the National Telecommunications Information Agency, which is advancing technologies that are available today to solve the interoperability problem, technologies that don't cost \$100 billion and 20 years.

And what has happened, though, the \$1 billion we put in the NTIA grant program, the administration used it to make further cuts in the Department of Homeland Security. So \$1 billion that should have gone to interoperability has cut off other DHS programs.

This administration has ignored congressional intent on interoperability. It's time for the excuses to stop. The administration has to put forth a reasonable plan to achieve interoperability in this country, and that's what the Cardozo amendment does, and I fully support it.

Mr. Chairman, I ask unanimous consent that I am able to revise and extend my remarks.

I rise today in support of the Cardozo Amendment, which expresses the Sense of

the Congress that efforts to achieve interoperable emergency communications in the near term should be supported and are critical in assisting communities properly execute their interoperability plans.

The key words in this amendment are "in the near term." It's been 25 years since the Air Florida crash on the Potomac. It's been over 5 years since September 11th, when over 120 firefighters and hundreds of civilians lost their lives due to a lack of interoperability.

Terrorist attacks, man made disasters, and natural disasters are a certainty. Yet, we still do not have nationwide interoperability in this country.

This problem has been studied and studied. In its final report, the 9/11 Commission concluded:

The inability to communicate was a critical element of the World Trade Center, Pentagon, Somerset County, Pennsylvania, crash sites . . . The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, state and federal levels remains an important problem . . . Federal funding of such (interagency communication) units should be given high priority . . .

After September 11th, President Bush said, "we want to spend money to make sure equipment is there, strategies are there, communications are there to make sure that you have whatever it takes to respond."

Yet, under the President and the Republican-led Congress, the money was not allocated, the equipment was not there, strategies were incomplete, and first responders still cannot communicate across agencies and jurisdictions.

DHS has testified it will take an \$18 billion to \$100 billion investment to make our first responder communications fully interoperable.

DHS's plan to achieve full interoperability is 20 years. We do not have another 20 years.

The time for study and excuses is over. This bill and this amendment represent action by the Democratic Congress.

This bill reverses the draconian cuts to first responder grant programs made by this administration. And this amendment tells DHS to advance solutions that help first responders in the near term.

The Energy and Commerce Committee created, and Congress enacted, a \$1 billion interoperability grant program at the National Telecommunications Information Agency (NTIA), in 2006.

Our intent was to advance new approaches to solve the interoperability problem; approaches that don't cost \$100 billion and take 20 years to implement.

Yet, the administration seems to be missing the point. The administration's budget proposal justified the DHS grant cuts by "offsetting" those cuts with the \$1 billion NTIA grant program.

Our committee has heard testimony from experts, industry, and first responders that there are new technologies today that can help our first responders at a fraction of the cost.

Again, this amendment tells DHS that Congress has lost its patience with excuses. It says invest in near term solutions that are available today. I urge my colleagues to support this amendment.

Mr. KING of New York. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, with the Cardozo amendment, the Congress expresses its support for efforts like the \$1 billion interoperability program to be implemented by NTIA.

The House Energy and Commerce Committee is deeply concerned about the ongoing inability of our first responders to communicate with each other in times of emergency. This public safety interoperability problem has gone on for far too long, which is why the Energy and Commerce Committee is playing a stronger leadership role in setting the policy direction through its communications jurisdiction.

I will put the rest of my statement in the RECORD, Mr. Chairman. But we do support the Cardozo amendment, and I thank the gentleman from New York for yielding some time.

Mr. Chairman, with the Cardozo amendment, the Congress expresses its support for efforts like the \$1 billion interoperability program to be implemented by the NTIA. The House Energy and Commerce Committee is deeply concerned about the ongoing inability of our first responders to communicate with each other in times of emergency. This public safety interoperability problem has gone on far too long, which is why the Energy and Commerce Committee is playing a stronger leadership role in setting the policy direction through its communications jurisdiction.

Our Committee authored a section in the Deficit Reduction Act of 2005 that set a final date for the DTV transition that will transfer 24 MHz of spectrum to public safety. To help first responders communicate on this spectrum efficiently, the DTV legislation also established the \$1 billion Public Safety Interoperable Communications grant program to leverage NTIA's extensive telecommunications and spectrum policy expertise.

To improve interoperability throughout the Nation, Congress directed the NTIA to identify and fund forward-looking, spectrum-efficient, cost-effective and timely solutions. That program was designed to be separate from other programs, with its own criteria, and its own metrics for success. Until our existing, disparate public safety networks can communicate together, we will not truly be equipped to respond to a natural or man-made disaster.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

I would just say to the gentleman from Michigan, my good friend, that I agree that the time for study is over and the time for delay is over.

I believe the original legislation that passed our committee would have moved it forward much more quickly. This is a sense of Congress. We actually were going to demand action.

But, having said that, this is a significant step, and I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CARDOZA. Mr. Chairman, I thank the gentleman from New York and also the gentleman from Texas for their support.

This is an important amendment. It needs to state clearly, this bill needs to

state clearly that the Congress supports finding a resolution to interoperability conflicts that we have been besieged with. This is a very specific problem, as outlined in the FEMA report.

I thank Chairman DINGELL and Chairman THOMPSON for both appearing before my constituents and hearing this problem and also agreeing to shepherd this resolution through the House.

I encourage adoption of my amendment.

Mr. DOYLE, Madam Chairman, My colleagues who were with us last year, and frankly, I'm glad we have so many new faces, but my colleagues who were with us last year will recall my commitment to protecting local telecommunications resources and making sure decisions are made where they are best made.

That's why I'm glad to talk about this important issue. Spectrum itself is nearly infinite. But in terms of what's usable, what's worth investing in is much more limited.

Which is why we must challenge everyone who uses our airwaves to do so in the most efficient way possible. And that's why efforts to make public safety's communications interoperable, redundant and more effective are so critical to our Nation's first responders, and ultimately the American public. The days when government hands money over to people who don't understand technology to make choices between inefficient and expensive dead-end radios should be long gone.

My time is short, but we must take the best of what we have learned from the commercial space like interoperability and cost-effective technology and merge it with the best of public safety's communications legacy such as rock-solid dependability.

By passing this amendment today, Congress will be saying that we support innovative, forward-looking, technologically-neutral solutions, including IP-Based solutions.

And I believe we are saying that the Department of Homeland Security should follow all of the recommendations that the Government Accountability Office made earlier this year, and especially the one that the administration rejected—that first responders need to have the flexibility to take advantage of technological innovations that could advance the state of interoperability.

We need accountability and measurable goals from any and all programs that fund interoperability so that we can ensure that the money is being spent wisely. The Department of Homeland Security has told us we need to wait 15 years to get interoperability—it's clear to me that we need to get interoperable communications by any means necessary, even if it means relying on expertise outside Homeland Security and within other agencies like the National Telecommunications and Information Administration.

The Acting CHAIRMAN. All time for the amendment having expired, the question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

The Acting CHAIRMAN (Mrs. JONES of Ohio). Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. THOMPSON of Mississippi.

Amendment No. 2 by Mr. TOM DAVIS of Virginia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 209, not voting 12, as follows:

[Roll No. 314]

#### AYES—216

Abercrombie	Faleomavaega	McDermott
Ackerman	Farr	McGovern
Allen	Filner	McHugh
Andrews	Frank (MA)	McIntyre
Arcuri	Gillibrand	McNerney
Baca	Gonzalez	McNulty
Baird	Gordon	Meehan
Baldwin	Green, Al	Meek (FL)
Barton (TX)	Green, Gene	Meeks (NY)
Becerra	Grijalva	Melancon
Berkley	Gutierrez	Michaud
Berman	Hall (NY)	Miller (NC)
Berry	Hare	Miller, George
Bishop (GA)	Harman	Mollohan
Bishop (NY)	Hastings (FL)	Moore (KS)
Blumenauer	Herseeth Sandlin	Moore (WI)
Boucher	Higgins	Moran (VA)
Boyd (FL)	Hinchey	Murphy (CT)
Boyda (KS)	Hinojosa	Murtha
Braley (IA)	Hirono	Nadler
Brown, Corrine	Hodes	Napolitano
Butterfield	Holden	Neal (MA)
Capps	Holt	Norton
Capuano	Honda	Oberstar
Cardoza	Hooley	Obey
Carnahan	Hoyer	Oliver
Carney	Inslee	Ortiz
Carson	Israel	Pallone
Castor	Jackson (IL)	Pascarell
Chandler	Jackson-Lee	Pastor
Christensen	(TX)	Paul
Clarke	Jefferson	Payne
Clay	Johnson (GA)	Perlmutter
Cleaver	Jones (OH)	Peterson (MN)
Clyburn	Kagen	Pomeroy
Cohen	Kanjorski	Price (NC)
Conyers	Kaptur	Rahall
Cooper	Kennedy	Rangel
Costa	Kildee	Reyes
Costello	Kilpatrick	Rodriguez
Courtney	Kind	Ross
Crowley	Klein (FL)	Rothman
Cuellar	Kucinich	Roybal-Allard
Cummings	Lampson	Ruppersberger
Davis (AL)	Langevin	Rush
Davis (CA)	Lantos	Ryan (OH)
Davis (IL)	Larsen (WA)	Salazar
Davis, Lincoln	Lee	Sánchez, Linda
DeFazio	Levin	T.
DeGette	Lewis (GA)	Sanchez, Loretta
Delahunt	Lipinski	Sarbanes
DeLauro	Loeback	Schakowsky
Dicks	Lofgren, Zoe	Schiff
Dingell	Lowey	Schwartz
Doggett	Lynch	Scott (GA)
Doyle	Mahoney (FL)	Scott (VA)
Edwards	Maloney (NY)	Serrano
Ellison	Markey	Sestak
Emanuel	Matsui	Shea-Porter
Eshoo	McCarthy (NY)	Sherman
Etheridge	McCollum (MN)	Sires

Skelton	Thompson (CA)	Waters
Slaughter	Thompson (MS)	Watson
Smith (TX)	Tierney	Watt
Smith (WA)	Towns	Waxman
Snyder	Udall (CO)	Weiner
Solis	Udall (NM)	Welch (VT)
Spratt	Van Hollen	Wexler
Stark	Velázquez	Wilson (OH)
Stupak	Visclosky	Woolsey
Sutton	Walz (MN)	Wu
Tauscher	Wasserman	Wynn
Taylor	Schultz	Yarmuth

#### NOES—209

Aderholt	Fortuño	Murphy, Patrick
Akin	Fossella	Murphy, Tim
Alexander	Fox	Musgrave
Altmire	Franks (AZ)	Myrick
Bachmann	Frelinghuysen	Neugebauer
Bachus	Gallely	Nunes
Baker	Garrett (NJ)	Pearce
Barrett (SC)	Gerlach	Pence
Barrow	Giffords	Peterson (PA)
Bartlett (MD)	Gilchrest	Petri
Bean	Gillmor	Pickering
Biggart	Gingrey	Pitts
Bilbray	Gohmert	Platts
Bilirakis	Goode	Poe
Bishop (UT)	Goodlatte	Porter
Blackburn	Granger	Price (GA)
Blunt	Graves	Pryce (OH)
Boehner	Hall (TX)	Putnam
Bonner	Hastert	Radanovich
Bono	Hastings (WA)	Ramstad
Boozman	Hayes	Regula
Boren	Heller	Rehberg
Boswell	Hensarling	Reichert
Boustany	Herger	Reynolds
Brady (TX)	Hill	Rogers (AL)
Brown (SC)	Hobson	Rogers (KY)
Brown-Waite,	Hoekstra	Rogers (MI)
Ginny	Hulshof	Rohrabacher
Buchanan	Hunter	Ros-Lehtinen
Burgess	Inglis (SC)	Roskam
Burton (IN)	Issa	Royce
Buyer	Jindal	Ryan (WI)
Calvert	Johnson (IL)	Sali
Camp (MI)	Johnson, Sam	Saxton
Campbell (CA)	Jones (NC)	Schmidt
Cannon	Jordan	Sensenbrenner
Cantor	Keller	Sessions
Capito	King (IA)	Shadegg
Carter	King (NY)	Shays
Castle	Kingston	Shimkus
Chabot	Kirk	Shuler
Coble	Kline (MN)	Shuster
Cole (OK)	Knollenberg	Simpson
Conaway	Kuhl (NY)	Smith (NE)
Cramer	LaHood	Smith (NJ)
Crenshaw	Lamborn	Space
Cubin	Latham	Stearns
Culberson	LaTourette	Sullivan
Davis (KY)	Lewis (CA)	Tancred
Davis, David	Lewis (KY)	Tanner
Davis, Jo Ann	Linder	Terry
Davis, Tom	LoBiondo	Thornberry
Deal (GA)	Lucas	Tiberi
Dent	Lungren, Daniel	Turner
Diaz-Balart, L.	E.	Upton
Diaz-Balart, M.	Mack	Walberg
Donnelly	Manzullo	Walden (OR)
Drake	Marchant	Walsh (NY)
Dreier	Marshall	Wamp
Duncan	Matheson	Weldon (FL)
Ehlers	McCarthy (CA)	Weller
Ellsworth	McCaul (TX)	Westmoreland
Emerson	McCotter	Whitfield
English (PA)	McCrery	Wicker
Everett	McHenry	Wilson (NM)
Fallin	McKeon	Wilson (SC)
Feeney	Mica	Wolf
Ferguson	Miller (FL)	Young (AK)
Flake	Miller (MI)	Young (FL)
Forbes	Miller, Gary	
Fortenberry	Mitchell	

#### NOT VOTING—12

Bordallo	Johnson, E. B.	Renzi
Brady (PA)	Larson (CT)	Souder
Doolittle	McMorris	Tiahrt
Engel	Rodgers	
Fattah	Moran (KS)	

□ 1639

Messrs. BARROW, EHLERS, FLAKE, ALTMIRE, CRAMER and GOHMERT changed their vote from "aye" to "no."

The way you did that was you go and you log on to the TSA Web site and submit sensitive security information and personal information, like your Social Security number, the place and date of birth, your drivers license number and other personal identification numbers in order to demonstrate and prove to TSA that you were not a "person of concern" on their list. That was an important step forward, a positive



list. I think we have all heard the stories about individuals who were wrongfully placed on that list or whose identifications were mistaken for somebody else. So that was a good way to start to get people off the list.

But right after the launch of that program, they had to shut it down. The TSA had to shut down the site because, as was reported in *The Washington Post* and the high-tech magazine *Wired*, it was determined that the information that individuals were entering onto the TSA Web site was not secure, very personal types of information. Security experts found that the site lacked many of the basic measures necessary to protect personal information, no encryption devices, no other safeguards, and that the data being transferred to TSA was essentially vulnerable to being taken and used for identity theft and other purposes.

After these concerns were brought to the attention of TSA, they had to bring down the Web site. They put up another Web site and program in February called the Travelers Redress Inquiry Program.

Now, the TSA has said that it has made the necessary adjustments to protect this very personal and confidential information from exposure and theft, but it is not clear that they have taken all the measures that are necessary, especially in light of the fact that only last week we found out that a hard drive containing the personal data of almost 100,000 TSA employees disappeared.

Data security does not seem to have been taken seriously enough by the TSA. This amendment is designed to focus greater attention on that issue.

This amendment is very simple. It requires TSA to take the necessary steps required to protect the personal information submitted online by passengers, by our constituents, when they are seeking to remove their names from the no-fly list, the selectee list or other related lists. It is designed to get at a very specific problem that has arisen in recent months, and I urge its adoption.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the gentleman for a very thoughtful amendment. We have addressed this question in the Homeland Security Committee, but also in the subcommittee that I chair, and I think the important point is that when people are trying to clarify their name and they submit personal data, we should be responsible for protecting it. In light of what happened last week, and by the way, we will be having a briefing on that very issue dealing with the TSA's loss of the computer and all that data, this is a very instructive amendment.

It would be great to think that we would never lose material, but we do, and also to protect those that have

been subjected to a lot of scrutiny, some of them coming from different ethnic groups. This is very thoughtful, and I rise to support the amendment.

Madam Chairman, this amendment should be supported as it seeks to require the Department of Homeland Security (the Department) to use funds to protect the security of personal information submitted electronically to the Department's website for the Department of Homeland Security Traveler Redress Inquiry Program, otherwise known as DHS-TRIP, and any other Web site associated with that program.

It would be great if we only had to theorize about the possible security, or lack thereof, of the information sent to the Department via redress websites.

However, the past has shown that this problem is very real.

In February of this year, the Department's Transportation Security Administration (TSA) learned that the website they were using to collect personal information to aid in traveler redress contained a link that was not secure.

This insecure link caused hundreds of individuals to transmit information through cyberspace that was not encrypted and subject to being captured by identity thieves, at best, and terrorists, at worst.

The Web site was established to provide a remedy for passengers that had been delayed at airports and therefore believed that they had been incorrectly identified as someone on an aviation watch list.

What causes even greater concern is that for 4 months and 8 days TSA did not detect the problem through their own internal procedures. In fact, they became aware of the situation through an independent internet blog.

The fact that the redress website lacked the necessary security measures to protect users' personal information is proof in the pudding that more needs to be done to protect personally identifiable information sent to TSA.

The American public needs to know that the "S" in TSA stands for something.

Individuals that may have already been wrongfully identified—which can cause airport delays for hours or even days—should not have to experience a second round of mistreatment by having their personal information, including their name, gender, date of birth, social security numbers and addresses vulnerable to being hacked.

A few weeks after this discovery TSA launched the Department of Homeland Security Traveler Redress Inquiry Program, otherwise known as DHS-TRIP.

We have not yet determined whether the internal controls that should have been in place during the first mishap have been put in place with respect to DHS-TRIP.

The recent revelation that a TSA hard drive containing the personal, payroll and bank information of over 100,000 former and current TSA employees was reported stolen, does nothing to alleviate our concerns.

For these reasons, this amendment is a good idea, and should be supported.

Mr. KING of New York. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. KING of New York. I yield myself such time as I may consume.

Madam Chairman, I do not intend to oppose the amendment. I just would say to the gentleman, he is addressing a legitimate concern. One question I would have, and ask this be resolved as the process goes forward, it just says all funds that are necessary from the \$39.8 billion. Since Homeland Security funding is stretched as it is, since every dollar is essential to be spent for the right purpose, I would ask, as the process goes forward, we try to find a way to specify the amount necessary. I am just raising that as a point with the gentleman. I would certainly work with the gentleman as we go forward and with the chairman.

Mr. VAN HOLLEN. Madam Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Maryland.

Mr. VAN HOLLEN. Madam Chairman, I thank the gentleman, and I appreciate the point you are raising. As it says, such sums as may be necessary to address this issue. I wouldn't expect it to be a very large sum. TSA is telling us they have addressed this issue. I am not sure we are totally convinced. If we could get this amendment passed, obviously as we go through the process, if there is some claim that this is going to cost billions of dollars, I wouldn't expect it would, but I would be happy to work with the gentleman.

Mr. KING of New York. Madam Chairman, reclaiming my time, I will not oppose the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. VAN HOLLEN. Madam Chairman, I thank the gentleman, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment No. 18 offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The amendment was agreed to.

Mr. THOMPSON of Mississippi. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CLEAVER) having assumed the chair, Mrs. JONES of Ohio, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, had come to no resolution thereon.

□ 1700

PERMISSION TO OFFER SHERMAN AMENDMENT NO. 14 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R.